

VIDEOTAPE DEPOSITION OF JESUS "ZEUS" J. RODRIGUEZ 1/11/2012

1 A P P E A R A N C E S (Continued)

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3 JACQUELINE E. BOYNTON, Attorney,

4 for LAW OFFICE OF JACQUELINE BOYNTON,

5 Attorney at Law, 2266 North Prospect Avenue,

6 Suite 505, Milwaukee, Wisconsin 53202,

7 appearing on behalf of Plaintiffs

8 Voces De La Frontera, Inc., et al.

9

10 MARIA S. LAZAR, Assistant Attorney General,

11 for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,

12 17 West Main Street, Madison, Wisconsin 53703,

13 appearing on behalf of the Defendants.

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15 DANIEL KELLY, Attorney,

16 for REINHART BOERNER VAN DEUREN S.C.,

17 Attorneys at Law, 1000 North Water Street,

18 Suite 2100, Milwaukee, Wisconsin 53202,

19 appearing on behalf of the Defendants.

20

21 Also present: Todd S. Campbell, CLVS

22 Campbell Legal Video Company

23 417 Heather Lane, Suite B

24 Fredonia, WI 53021

25 (262) 447-2199

26 (Exhibit Nos. 37 and 38 marked for

27 identification)

28

29 THE VIDEOGRAPHER: We are on

30 the record. Seated before you is

31 Mr. Jesus Rodriguez. This is Video No. 1 of

32 his video deposition, taken pursuant to

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1 notice at the instance of the plaintiff in

2 the matter of Alvin Baldus, et al. versus

3 members of the Wisconsin Government

4 Accountability Board, et al. This matter is

5 pending in the United States District Court,

6 Eastern District for the State of Wisconsin,

7 File No. 11-CV-562. This deposition is

8 taking place at the law offices of

9 Godfrey & Kahn, 780 North Water Street in

10 Milwaukee, Wisconsin. The date is

11 January 11th, 2012. The time is 9:15 a.m. I

12 am Todd Campbell, videographer with Campbell

13 Legal Video Company. The court reporter is

14 Brandé Browne with For the Record Reporting.

15 Would counsel please first please introduce

16 themselves, first for the plaintiff.

17 MR. POLAND: This is Doug Poland of

18 Godfrey & Kahn representing the plaintiffs.

19 MR. EARLE: Peter Earle, I'm

20 accompanied by co-counsel Jacqueline Boynton.

21 I'm representing Voces de la Frontera.

22 MS. LAZAR: Maria Lazar, assistant

23 attorney general, representing defendants

24 Members of the Wisconsin Government

25 Accountability Board and their director in

26 6

1 their official capacity and together with --

2 MR. KELLY: Daniel Kelly with

3 Reinhart Boerner Van Deuren.

4 THE VIDEOGRAPHER: Thank you.

5 Would the court reporter please swear in

6 Mr. Rodriguez.

7

8 JESUS "ZEUS" J. RODRIGUEZ,

9 called as a witness, being first duly sworn,

10 testified on oath as follows:

11

12 EXAMINATION

13 By Mr. Poland:

14 Q Good morning, Mr. Rodriguez.

15 A Good morning.

16 Q I'm Doug Poland, and I represent the plaintiffs in

17 the Baldus, et al. versus Brennan, et al. matter.

18 That's the federal -- it's the redistricting

19 lawsuit pending in federal court in Milwaukee. Is

20 that a lawsuit you're familiar with --

21 A Yes.

22 Q -- just generally?

23 A A little bit.

24 Q Terrific. And you're here today pursuant to

25 subpoena, correct?

26 7

1 A Yes.

2 Q Mr. Rodriguez, I'm going to hand you a copy of a

3 document that the court reporter has marked as

4 deposition Exhibit No. 37 and ask you to take a

5 look at that?

6 MR. EARLE: These are two copies?

7 Q Is that a document you've seen before,

8 Mr. Rodriguez?

9 A Yes, sir.

10 Q You were served with that document last week,

11 correct?

12 A Yes.

13 MR. POLAND: Peter, can I get those

14 copies back? Those are the only copies that

15 I had.

16 MR. EARLE: Here, just take mine.

17 I just started to mark it.

18 MR. POLAND: Thanks.

19 Q Mr. Rodriguez, I would like to draw your attention

20 to the third page of the exhibit. I'm sorry.

21 It's Exhibit A. I should have asked before I

22 started this, have you ever given a deposition

23 before?

24 A No, I have not.

25 Q And you're not represented by counsel here today?

26 8

1 A No, I'm not.
 2 Q Couple just sort of basics about depositions.
 3 I'll be asking questions during most of the
 4 examination, and the other counsel will have an
 5 opportunity to ask questions as well later on.
 6 I'll ask a question. You'll give an answer. The
 7 court reporter, who is sitting to your left, will
 8 take down my questions and your responses, as well
 9 as potentially any objections. The other counsel
 10 have opportunities to raise an objection to my
 11 question if they want to do that.
 12 A Okay.
 13 Q If there's any question that I ask and if you
 14 don't understand or you need me to rephrase or
 15 repeat, please feel free to do that. Ask me;
 16 happy to do it. Also, if you need to take a break
 17 at any time, let me know, and we can always take a
 18 break.
 19 A Sure.
 20 Q Okay. All right. Exhibit A in deposition Exhibit
 21 No. 37 asked for you to look for and produce a
 22 number of documents here today.
 23 A Uh-huh.
 24 Q We'll take a look at the documents that you
 25 brought with you. I'd like to run through these

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1 categories here first before we do that. The
 2 first category asks you to look for and produce
 3 "All communications, including, but not limited
 4 to, e-mail, text messages, and voice mail
 5 messages, with any persons - including, but not
 6 limited to, State lawmakers or members of
 7 Congress, their staff, consultants, experts, or
 8 agents; or any members of the Latino community -
 9 concerning any planning, development, discussions,
 10 negotiation, drawing, revision, or redrawing of
 11 the maps codified in Wisconsin Acts 43 and 44 or
 12 any other potential legislative or congressional
 13 plan that was not adopted." Okay. Do you see
 14 that paragraph number 1 in Exhibit A?
 15 A Yes.
 16 Q Did you, in fact, look for all documents in your
 17 possession, custody, or your control falling
 18 within that category?
 19 A Did my best.
 20 Q And did you bring those documents with you today?
 21 A Yes.
 22 Q We'll go through those in just a minute. Turning
 23 to paragraph number 2 which asks that you produce
 24 "All documents concerning any planning,
 25 development, discussions, negotiation, drawing,

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1 revision, or redrawing of the maps, codified in
 2 Wisconsin Acts 43 and 44 or any other potential
 3 legislative or congressional plan that was not
 4 adopted." And do you see that paragraph?
 5 A Yes.
 6 Q And did you, in fact, look for and bring with you
 7 today any documents falling within that category
 8 in your possession, custody, or control?
 9 A I believe so.
 10 Q Okay. And finally, paragraph number 3 asks for
 11 "All documents concerning any analyses, data,
 12 plans, procedures, and/or reports related to the
 13 Latino population in or around Milwaukee or any
 14 other part of Wisconsin, including any documents
 15 concerning the Latino voting-age and citizen
 16 voting-age populations, and any documents
 17 concerning the percentage of total population that
 18 is Latino." Do you see that paragraph number 3?
 19 A Yes, I do.
 20 Q And did you, in fact, look for and bring with you
 21 today any documents you had within your
 22 possession, custody, or control responsive to
 23 paragraph number 3?
 24 A Yes, I believe so.
 25 Q Thank you. You can set the subpoena aside. Let's

11

1 talk about the documents that you did bring with
 2 you today. First, you handed me a stack of
 3 documents this morning, and I'm going to first
 4 mark that in three separate deposition exhibits.
 5 I'm first going to hand you what has been marked
 6 as Rodriguez deposition Exhibit No. 38.
 7 MR. POLAND: And hand copies to
 8 counsel.
 9 Q Please take a minute to look through that if you
 10 need to.
 11 A Yeah. Nope.
 12 Q Can you identify Exhibit No. 38 for me,
 13 Mr. Rodriguez?
 14 A Exhibit 38, oh, the e-mails?
 15 Q Yes. So we've marked -- you'll see a sticker in
 16 the lower right-hand corner, Exhibit 38.
 17 A Right, 38, yes.
 18 Q And can you just generally describe for me what
 19 Exhibit 38 is?
 20 A These were the e-mails that I could find that had
 21 to relate to this case and the interaction I had
 22 with certain people through e-mail.
 23 Q So these are the documents -- one of the set of
 24 documents that you produced in response to the
 25 subpoena issued to you?

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1 A Yes.
 2 Q Did you, when you were looking for these documents
 3 and deciding what to bring with you this morning
 4 and what not to, did you make any -- a decision
 5 not to bring any based on any kind of an assertion
 6 of privilege or some legal basis not to bring --
 7 A No.
 8 Q -- with you?
 9 A No.
 10 Q So let's talk about these first e-mails, and I
 11 just want to walk through these with you.
 12 A This is not a timeline here obviously. This is
 13 later. I just had it on top.
 14 Q Okay. In other words, they're not -- the way that
 15 you've produced them --
 16 A Yeah. Like I said, I just made a bunch of copies,
 17 and when I found out that they were all -- like a
 18 lot of them are the same ones because the PDFs
 19 weren't coming out of my printer when I tried to
 20 do them all at once, all one big chain. And so I
 21 just did all like six of them separately, but
 22 yeah, they still had some of the same e-mails in
 23 each one.
 24 Q Okay. Well, that's fine. So there will be some
 25 duplications in --

13

1 A Yeah, most of them, yeah. There's only really
 2 seven e-mails here, seven or eight e-mails here.
 3 Q Okay. Well, let's walk through this and take a
 4 look.
 5 A Okay.
 6 Q So the first e-mail in Exhibit No. 38 is an e-mail
 7 from Andy Janssen --
 8 A Uh-huh.
 9 Q -- to you, and it's dated July 22nd? Who's
 10 Mr. Janssen?
 11 A He's the State Rep. JoCasta's assistant, staffer.
 12 At least he was.
 13 Q Okay. When you say he was, that's --
 14 A At that time. I don't know if he is now or not.
 15 Q Why was Mr. Janssen sending you this e-mail?
 16 A Well, he just sent me an e-mail. I don't know if
 17 it was just to me. Let me look. It might have
 18 just been to me, but he sent me a clip of the
 19 floor, that little clip right there was pertaining
 20 to when Representative JoCasta was on the floor
 21 talking about my testimony to the assembly.
 22 Q Okay. So in other words, you're referring to sort
 23 of toward the end of the --
 24 A Uh-huh.
 25 Q -- bottom of the first page --

14

1 A Yeah, he contacted me first.
 2 Q All right. One thing about depositions is unlike
 3 in a normal conversation that we'd have if we were
 4 standing outside, the court reporter can't get
 5 down if we're both talking at the same time. So
 6 we'll have to make an effort here, since we're
 7 both kind of fast talkers, we'll have to make an
 8 effort here to try to wait until the other one is
 9 finished before we responds. A little bit
 10 stilted, but it makes it easier for the court
 11 reporter.
 12 MR. EARLE: It makes for a better
 13 transcript as well.
 14 MR. POLAND: And it does make for a
 15 better transcript, yes, much easier to
 16 follow.
 17 Q So on the bottom of page -- the first page of
 18 Exhibit 38, there is what looks like a hypertext
 19 link to *tinyclip*; is that what you're referring
 20 to?
 21 A Yes, sir.
 22 Q Okay. And that link was to a video?
 23 A Yes.
 24 Q And what was the videotape of?
 25 A Of Representative JoCasta Zamarripa testifying on

15

1 the Assembly floor about the nature of the
 2 redistricting bill and my -- particularly
 3 mentioned my name during it.
 4 Q So that was the testimony that was given on
 5 July 13th, 2011; is that correct?
 6 A I don't believe so. It was done afterwards, I
 7 believe.
 8 Q And then presented for the legislature's
 9 consideration?
 10 A Yes, I believe -- well, no, I think it was already
 11 passed. I don't know what it was. I mean, I was
 12 sent it. I just saw it. She was up on the
 13 Assembly house there just testifying, used my
 14 name.
 15 Q Okay. Do you recall what it was that she said
 16 about you in her testimony?
 17 A Yes. She was saying that I, Zeus Rodriguez, she
 18 said a bunch of times, even I said that there was
 19 a fast nature to the process and that there was
 20 difficult -- basically, she was quoting part of my
 21 testimony that I had submitted on behalf of the
 22 bill.
 23 Q And that was written testimony that you had
 24 submitted?
 25 A Yes, yes.

16

VIDEOTAPE DEPOSITION OF JESUS "ZEUS" J. RODRIGUEZ 1/11/2012

1 Q Were you at one time -- was it anticipated at one
2 time that you would testify live at that hearing?
3 A I was going to, yes. The problem was is that I
4 also -- 95 percent of what I was doing at the time
5 was on the County level, and I had to go testify
6 at the County level also the same day just a few
7 hours later. So I came to Madison first, tried to
8 get in as soon as I could, and it just didn't work
9 out, and so I had to -- I left it there and came
10 back.
11 Q And when you say work that you were doing on a
12 County level --
13 A Uh-huh.
14 Q -- what do you mean on a County level?
15 A Helping get proper representation for the Latino
16 community on the County level.
17 Q Okay. And what did that involve? Why was it that
18 you were otherwise occupied on the day of the
19 hearing in Madison?
20 A I'm sorry?
21 Q In other words, what was it that you were doing --
22 A I had to go -- I'm sorry. I had to go testify.
23 Q Okay. And who were you testifying to?
24 A The County board committee on redistricting.
25 Q Oh, all right. So that was part of the Milwaukee

17

1 County --
2 A Yes.
3 Q -- redistricting process?
4 A Yes.
5 Q And you testified in front of the Milwaukee County
6 Board?
7 A Yes, or had planned to. I don't think I had
8 testified, but I was planning on it also, yes.
9 Q All right. Now, there is -- we're just going to
10 kind of walk down the chain here.
11 A Okay.
12 Q That first e-mail --
13 A It goes up. It starts at the bottom and goes up.
14 Q That's a fair point. Let's start at the bottom
15 there then. This is July 21st. You had sent this
16 e-mail to Andy Janssen, and there was a cc to a
17 Victor Huyke, H-u-y-k-e?
18 A Yes.
19 MR. EARLE: Huyke.
20 MR. POLAND: Huyke, thank you. And
21 I'll probably unfortunately slaughter several
22 pronunciations today. Mr. Earle will correct
23 me.
24 Q And what was the purpose of sending that e-mail?
25 A The purpose was because I had heard -- well,

18

1 actually, I seen the clip, and in the clip she had
2 mentioned that two people disavowed themselves
3 from the original letter that I had submitted, and
4 I wanted to know the two names so that we can
5 remove them. Because if they really didn't agree,
6 then they didn't need to be on our list.
7 Q And who is Victor Huyke?
8 A Victor Huyke is a friend of mine. He is the
9 editor of El Conquistador newspapers, close
10 friend. He also helped work on the County and the
11 City and the State redistricting with myself as
12 far as being an advocate for the Latino community.
13 And that's why he was one of the two people that I
14 thought he was going to say, and that's why I put
15 him in that cc because he really didn't disavow
16 himself from the letter.
17 Q Okay. There's a reference to a group
18 Hispanics for Leadership?
19 A Yes.
20 Q What is that group?
21 A That was a group that we put together. There was
22 no formal organization. It was very clear. It
23 was just a group of local business people and
24 educators and community advocates. Couple dozen
25 people that were speaking out on the behalf of

19

1 getting the most representation possible for the
2 Latino community on all levels.
3 Q Who was the other -- oh, actually, strike that
4 question. Did Hispanics for Leadership have any
5 particular -- did they have any particular
6 partisan political leaning?
7 A Nope.
8 Q It's a nonpartisan --
9 A Nonpartisan, try to make it very nonpartisan, yep.
10 Q Was Hispanics for Leadership working with any
11 particular legislators in the Assembly as part of
12 the redistricting process?
13 A For the State or the County?
14 Q For the -- well, I guess I should ask first for
15 the State?
16 A Working with, no. Like advising, like as far as
17 when it came down to the point where I was looking
18 over the maps, that's pretty much about it. And
19 that was between me and that gentleman, Tad.
20 Q Mr. Ottman, okay. Got it.
21 A Right.
22 Q That was for the state-wide basis?
23 A Right.
24 Q And then on the county-wide basis?
25 A Looking if anybody -- I mean, not officially. I

20

1 mean, I spoke with everybody. Oh, yes, I was
2 working with County Supervisor Sanfilippo,
3 County Supervisor Rice, and we were collaborating
4 because we had different issues that we were
5 combining on. And then also Tom Taylor, Mayor of
6 Franklin. And you just asked for officials?
7 Q People -- people with the County, yes.
8 A With the County?
9 Q This is on the County redistricting.
10 A Yes. Yeah, those are the three people I remember
11 doing the most.
12 Q Okay. Were there any -- do you have any lawyers
13 who were involved with the group Hispanics for
14 Leadership?
15 A Not that I'm aware of.
16 Q Were you working with any lawyers either on the
17 state-wide redistricting or the county-wide
18 redistricting?
19 A Any lawyers?
20 Q Correct.
21 A Well, besides, I don't know if Tad is a lawyer, or
22 I know Joe Handrick is not a lawyer, and then
23 Ray Taffora, who I spoke to briefly, I know he's a
24 lawyer, but he didn't really do much except for
25 point me back to Tad, for the most part.

21

1 Q Who was the other person who you had heard did not
2 support Hispanics for Leadership?
3 A I did not hear. He told me right here.
4 Dr. Martinez at MATC, in the next e-mail up, he
5 responds that it was Victor and Dr. Martinez.
6 Q So you're referring to the next e-mail in the
7 chain, which is --
8 A Uh-huh.
9 Q And who is Dr. Martinez?
10 A I'm not sure. That's somebody who Greg Montoto
11 had talked to previously. The people who I
12 have -- who helped me talk with people over the
13 couple of months period was Victor Huyke and
14 Gregorio Montoto. Those were the main two.
15 Q Okay. And the last name I'm going to ask if you
16 could spell?
17 A M-o-n-o-t-o -- right? Wait, M-o-t-o-t-o. Just
18 like it sounds. I have to spell it out, sorry.
19 Montoto -- yes, M-o-t-o-t-o.
20 MR. EARLE: I think you're missing
21 an N. It's M-o-n.
22 THE WITNESS: That's what I said,
23 right? M-o-n-t-o-t-o. That's what I got.
24 Q I'm sorry, Mr. Montoto's first name is?
25 A Gregorio.

22

1 Q Who is Mr. Montoto?
2 A He -- he has been a longtime Milwaukee resident.
3 He's a local business person and community
4 advocate.
5 Q Did he have anything to do with the state-wide
6 redistricting reflected in Acts 43 or 44?
7 A Not so much as he took my advice on it for the
8 most part and helped me get that message out.
9 Q When you say he took your advice on it and helped
10 you get the message out --
11 A Uh-huh.
12 Q -- what do you mean by that?
13 A Over the weekend when I had received -- that
14 weekend when I had received some of the heat maps
15 and started looking and asking the questions that
16 I did, I told him what I saw and what I thought.
17 And he said that he agreed pretty much.
18 Q Do you know, does Mr. Montoto have any previous
19 experience with redistricting?
20 A I don't know. I want to say no, but he might.
21 I'm not sure.
22 Q Okay. Now, there's also, in this next e-mail,
23 this is the July 22nd e-mail that looks like it's
24 from Andy Janssen to you, this is the same one we
25 were just talking about that refers to

23

1 Dr. Martinez, there's a reference there where
2 Mr. Janssen says, "I spoke with Victor Huyke and
3 he told me that he supported the goal of
4 increasing the Latino population on the south side
5 Assembly districts but did not endorse any of the
6 GOP maps." Do you see that?
7 A Yes.
8 Q Did you talk with Mr. Huyke about that?
9 A Yes, I did.
10 Q What did Mr. Huyke say?
11 A He didn't endorse the map in whole. There's a
12 difference. Because when we came up there, my
13 testimony was very clear that we weren't endorsing
14 the entire GOP map; we were endorsing what they
15 had did in the 3rd Senate District, and Victor did
16 agree with that.
17 Q So was that -- was that the agreement was limited
18 to the 3rd --
19 A Yes.
20 Q -- Senate District itself?
21 A Absolutely, absolutely.
22 Q Were you ever asked to give any feedback or input
23 on any of the congressional districts reflected in
24 Act 44?
25 A No. No, I don't believe so. It's just the 8th

24

1 and 9th Assembly Districts and the 7th District
 2 and the whole 3rd Senate District is what I was
 3 dealing with.
 4 Q Did Mr. Huyke say anything to you about whether he
 5 agreed with the 3rd Senate District, so the 8th
 6 and 9th Assembly Districts in particular?
 7 A Yes.
 8 Q And he did agree with the way that they were drawn
 9 in Act 43?
 10 A Yes.
 11 Q One of the groups that is mentioned here,
 12 Hispanics for Leadership that you testified about
 13 just a minute ago, were there any other Hispanic
 14 or Latino groups that you were a part of that were
 15 giving input on the redistricting plan?
 16 A For the State?
 17 Q Correct.
 18 A No.
 19 Q What about for the County?
 20 A Yes.
 21 Q And what groups were those?
 22 A Voces de la Frontera, the Latino -- it's actually
 23 the Latino redistricting committee, but they --
 24 they ended up wanting to pull back and not come
 25 out publicly on the issue of the County, so -- but

25

1 they were consulted at some point.
 2 Q And I've been using two terms here, and I see a
 3 number of terms that are -- these terms are used
 4 various times, Latino and Hispanic. Is there a
 5 difference in the meaning between those two groups
 6 as they're used with respect to redistricting?
 7 A No, no.
 8 Q If -- so if I used --
 9 A That's an old argument.
 10 Q Fair enough. I don't want to get in the middle of
 11 an old argument. I just want to make sure we're
 12 talking about the same thing. If I use the word
 13 Latino --
 14 A Interchangeable, yeah.
 15 Q Terrific. I'd like to turn to the third page of
 16 Exhibit No. 38, and there are a number of pages
 17 there --
 18 A Yes.
 19 Q -- that have printouts of maps, correct?
 20 A Yes.
 21 Q Let's take that first page --
 22 A Okay.
 23 Q -- and up at the top on -- this is, again, the
 24 third page of Exhibit No. 38, there is a map that
 25 says HVAP Waukesha; do you see that?

26

1 A Yes, sir.
 2 Q Can you tell me what that is?
 3 A I had asked him in the process that I'd like to
 4 see some of the other areas that had Hispanic
 5 populations, growing Hispanic populations, such as
 6 Waukesha, Racine, I believe, and also Madison, and
 7 he just sent me these maps.
 8 Q When you say *him*, who was it that you were asking?
 9 A Tad Ottman.
 10 Q Are these maps here attachments then to -- I see.
 11 They're attachments to the e-mail that starts two
 12 pages from the bottom line; is that right?
 13 A I don't know, to be honest with you here.
 14 Q Okay. Why don't you just take a look at that a
 15 second and see if you can tell me?
 16 A Let's see here. Well, yeah -- well, I suppose I
 17 can. Right here, on July -- well, I don't know
 18 what page this is. I mean, they're going to be
 19 duplicated, so one, two, three, four, five, six,
 20 seven, on the eighth page at the top, it says on
 21 July -- Monday, July 11th, it says here are the
 22 heat maps, Racine, Waukesha, and Madison with both
 23 the current district and proposed maps as
 24 overlays. So that's when he had sent -- this was
 25 an -- that was an attachment to that e-mail, I'm

27

1 pretty sure.
 2 Q All right. So let's go back to the page that we
 3 were on, the third page, and that third page says
 4 HVAP Waukesha, correct?
 5 A Yes.
 6 Q And then the next page, if you flip to the next
 7 page, it says HVAP Madison at the top?
 8 A Yes.
 9 Q And actually one underneath. And then after
 10 that, there's an e-mail, it appears, from
 11 Scott Jensen --
 12 A That was the very first one.
 13 Q -- to you dated July 8th, 2008? Do you -- do you
 14 know, can you tell whether those -- whether those
 15 first two pages that we looked at, HVAP Waukesha
 16 and HVAP Madison, were those attached to this
 17 e-mail from Mr. Jensen?
 18 A No.
 19 Q They were not?
 20 A No, not at all.
 21 Q Those two were --
 22 A Just -- yeah, nope.
 23 Q Those two then were attached to that e-mail you
 24 pointed out before from Mr. Ottman on July 11th?
 25 A Yes, yes.

28

1 Q All right. So let's -- why don't you keep your
2 finger sort of on that page --
3 A All right.
4 Q -- that has the HVAW Waukesha, and then I'm going
5 to ask you to flip to the e-mail from Mr. Ottoman
6 that's dated July 11th. All right. And that
7 looks like it was -- that it was a -- again,
8 working backwards here because that was the most
9 recent in this e-mail exchange. If we actually
10 turn to the next page, it looks like there's an
11 e-mail dated July 8th at 5:07 p.m.; do you see
12 that?
13 A Uh-huh.
14 Q To Scott Jensen?
15 A Yes.
16 Q And it says subject alternative I think it was
17 supposed to be configuration of ADs 8 and 9?
18 A Yes.
19 Q All right. Who is Mr. Jensen?
20 A Scott Jensen.
21 Q And who is Mr. -- who is Scott Jensen?
22 A He's the former head of the Assembly and used
23 to be, I think, deputy chief of staff for
24 Tommy Thompson, and now he's the head of the
25 American Federation of Children here in the

29

1 Wisconsin area.
2 Q And he's sending -- I'm sorry. This e-mail is
3 coming from someone else. It's coming from
4 Tad Ottman to Scott Jensen?
5 A These were forwarded to me, yeah.
6 Q In this e-mail, it looks like Mr. Ottman is
7 saying, "Scott, Rich Zipperer mentioned he had
8 talking to you about the Hispanic districts in
9 Milwaukee. I wanted to get you a shapefile of the
10 amendment with an alternative configuration of
11 the 2 districts that was introduced along with the
12 bill on legislative districts. There is a link to
13 the interactive map of the full state map below.
14 Let me know if you have any questions." And then
15 it kind of goes on a little bit from there. And
16 that was the first in this chain?
17 A Yes, I believe so.
18 Q All right. So you received that as part of a
19 forwarded chain?
20 A Yes.
21 Q Is that correct?
22 A Yes, I believe so.
23 Q All right. Now, if you flip back to the page just
24 before it, it looks like Mr. Jensen that is
25 forwarding that to you on July 8th at 10:24 p.m.;

30

1 is that correct?
2 A Yes.
3 Q And he writes, "Zeus, here's an alternative map
4 for the two Hispanic districts. The original map
5 can be found at the state link below. You can
6 contact Tad Ottman for an explanation of both
7 options at the address above. Also, you can
8 contact Joe Handrick," and he gives a telephone
9 number, correct?
10 A Yes.
11 Q Do you recall getting that -- this e-mail from
12 Mr. Jensen?
13 A Absolutely.
14 Q Was this the first time that you had corresponded
15 with Mr. Jensen about the Assembly maps?
16 A Corresponded, yes.
17 Q Had you spoken with Mr. Jensen about the Assembly
18 maps before this time?
19 A I can't remember when he had actually called me.
20 I don't know if it was a week, two weeks
21 beforehand or whatever, but he had called me and
22 asked me if I was interested and if there was a
23 need to look at the south side and the
24 redistricting for the near south side; if I would
25 be interested in looking at them based on the

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1 experience that I had with the County and such,
2 and I said yes. And that was pretty much about
3 it. I remember calling him one more time I think
4 at some point after that as we got closer to
5 hearing that it was coming out. And I said *Well,*
6 *am I going to get to see something or not,* and
7 that was over the phone. He goes *I don't know.*
8 Q So was it --
9 A And then this is when he -- as soon as he got it,
10 I think he pretty much, from what I understand,
11 passed it on to me.
12 Q So it was perhaps one or two weeks before the --
13 before July 8th that you first talked with
14 Mr. Jensen?
15 A Yeah. Like I said, it's all kind of -- because I
16 talked to him because of the American Federation
17 of Children too. So I mean, I've talked to him
18 before on different issues. So I don't know
19 exactly when we talked, and I can't figure that
20 out based on phone records because I don't know
21 which one is which.
22 Q So Mr. -- when you talked to him before in his
23 capacity as the head of the American Federation of
24 Children; is that correct?
25 A Not at this particular time, no, not at all.

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1 Q But before this time you talked to him --
 2 A Oh, all the time I still do.
 3 Q And is that primary business issues?
 4 A Yes, yes.
 5 Q So that's -- let me go back and ask you what
 6 your -- what your current position is right now?
 7 A I have a couple. I'm the CEO of St. Paul Medical
 8 Staffing for the last 10 years, 11 years, and I'm
 9 also the president of St. Anthony's School in
 10 Milwaukee.
 11 Q And in which of those two capacities do you speak
 12 with Mr. Jensen --
 13 A Actually, I speak with him at the nonprofit
 14 Hispanics for School Choice. It's a brand new
 15 nonprofit. It's advocacy for school choice.
 16 Q When was that group formed?
 17 A It was un -- formally formed back in October
 18 of '10, 2010, and then we've been filing our
 19 paperwork for the different stuff over the last
 20 year. We used a law firm out of Indiana. I'm not
 21 sure which one it is but -- offhand.
 22 Q So let me ask you first about -- you said you're
 23 the CEO of St. Anthony's School?
 24 A I'm the president.
 25 Q President of St. Anthony's School.

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1 A I'm the CEO of St. Paul Medical Staffing.
 2 Q Which -- when did you become the CEO of --
 3 A St. Paul Medical Staffing.
 4 Q Yes, thank you.
 5 A I think I started that in 2001.
 6 Q What does that job entail just generally?
 7 A I staff temporary high-experienced nurses to
 8 organizations like Aurora and Wheaton Franciscan.
 9 Q Any work or involvement with redistricting --
 10 A No.
 11 Q -- at all through that position?
 12 A No, not at all.
 13 Q Any correspondence with Mr. Jensen in that
 14 position?
 15 A No.
 16 Q And then you're also the president of
 17 St. Anthony's School?
 18 A Yes.
 19 Q When did you become the president of St. Anthony's
 20 School?
 21 A In August.
 22 Q Of 2011?
 23 A Yes.
 24 Q Any involvement in redistricting in your role as
 25 president of St. Anthony's School?

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1 A No, it was already over.
 2 Q Right. And good point. And any involvement with
 3 Mr. Jensen in his role with American Federation of
 4 Children?
 5 A For redistricting?
 6 Q No, just generally.
 7 A For what, for St. Anthony's School?
 8 Q Correct.
 9 A No, not really.
 10 Q All right. So in your capacity as the president
 11 of St. Anthony's School, you don't correspond or
 12 deal with Mr. Jensen in his official --
 13 A I haven't. I would. I would. There's nothing
 14 against him, but I have not.
 15 Q You just haven't done it?
 16 A Right, just haven't. It has just been with
 17 Hispanics for School Choice.
 18 Q So your only interaction with Mr. Jensen in terms
 19 of his position at American Federation of Children
 20 is in your role with the Hispanics for School
 21 Choice?
 22 A Besides being a friend, yes.
 23 Q How long have you known Mr. Jensen?
 24 A When was -- when was the election for JoCasta got
 25 elected? It's about when I met him. When was

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1 that, 2008?
 2 THE WITNESS: When was the last
 3 election? 2008 or -- yeah, had to be 2008
 4 when JoCasta got elected.
 5 MR. EARLE: I can't offer
 6 testimony.
 7 THE WITNESS: I understand that. I
 8 know I'm looking at you. I'm just trying to
 9 remember because it has all been a blur the
 10 last couple of years.
 11 A Yeah, I believe it was 2008 during the election.
 12 Q That's when you met Mr. Jensen the first time?
 13 A Yes, yes.
 14 Q All right. In what capacity then have you worked
 15 with or interacted with Mr. Jensen since that
 16 time?
 17 A Since then, just through American Federation of
 18 Children and Hispanics for School Choice, for the
 19 most part.
 20 Q And you said you are personal friends with
 21 Mr. Jensen as well?
 22 A Yes, yes. Since then, yes.
 23 Q Did you have any dealings with Mr. Jensen with
 24 respect to the County redistricting?
 25 A No.

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1 Q So if I say -- so any --
 2 A At least I don't remember. I don't think I did.
 3 Q Any interactions you had with Mr. Jensen on
 4 redistricting issues in 2011 would have been
 5 solely then for the state --
 6 A Yes, yes. I mean, I could have maybe mentioned
 7 about the County, but he didn't have anything
 8 really for me. No, actually, he did. One time I
 9 asked him about the Senate Bill 150 and how that
 10 was going to affect our efforts, and I just wanted
 11 like legal clarification. And he's somebody that
 12 I could trust from a bill standpoint and asked him
 13 would that affect what we were trying to do in
 14 redistricting the County level after he'd already
 15 had a preliminary plan pass, and he then said
 16 according to the bill -- then he passed me on to
 17 Zipperer, and that was about Bill 150. I didn't
 18 bring that because that was based on Bill 150,
 19 not 43 or 44.
 20 Q Yeah, that's fine.
 21 A And I was just asking him, at the time I was only
 22 concerned -- as a matter of fact, the State didn't
 23 bother me at all at that time. It was all
 24 about -- my fear was that if based on what the
 25 language was that everybody was saying, that we

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1 wouldn't have been able to redistrict or fix the
 2 map that had already been passed preliminarily on
 3 the County level.
 4 Q When you're talking about Bill 150?
 5 A Yes.
 6 Q Do you know why Mr. Jensen approached you
 7 initially to talk about the -- these alternative
 8 maps for the two Hispanic districts?
 9 A Yes, because he knew all the stuff that I had
 10 already been looking at, the demographics and such
 11 on the County level and how I was involved in
 12 that.
 13 Q So you had spoken with Mr. Jensen previously about
 14 the demographics on the County level and how you
 15 were --
 16 A I didn't speak to him about the demographics. He
 17 just knew that I was involved in the process.
 18 Q Do you know how he became aware of how you were
 19 involved in the process?
 20 A Because we all talk. I mean, everybody knows
 21 pretty much what's going on.
 22 Q When you say all, who do you mean by all?
 23 A The paper -- oh, what I mean by all? Just anybody
 24 that I know, I mean, that likes politics. I mean,
 25 community people, associates, friends, I mean,

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1 just whoever. We all read the paper.
 2 Q Are you fairly involved in the political
 3 atmosphere or community in the Milwaukee area?
 4 A Since 2008, yes.
 5 Q How have you been involved in politics in the
 6 Milwaukee area since 2008?
 7 A Mainly, on the advocacy for school choice, that
 8 was the big thing. And then when the
 9 redistricting came up, it was proper
 10 representation.
 11 Q Have you worked with any particular legislators or
 12 particular political parties in the political work
 13 that you've done?
 14 A Worked with?
 15 Q Yeah.
 16 A No, no. Well, I mean, it depends on what you mean
 17 worked with, I guess.
 18 Q Supported, given advice to?
 19 A Have they supported giving advice to me?
 20 Q No, asking if you've given it to them?
 21 A If I've given it to them? Well, yes, of course in
 22 this exact case.
 23 Q Okay. And are there any other -- are there other
 24 situations in which you've --
 25 A When I think of -- I'm sorry. When I think of

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1 work, I think of like you're like in the same
 2 group of an organization and you're getting paid
 3 or you're -- no. It was just more of I know a
 4 certain person. I'm going to talk to them about
 5 it, you know, and then in this situation like
 6 this.
 7 Q Is there support or advice or counsel that you've
 8 given to any particular legislators or political
 9 parties since 2008 when you became politically
 10 active?
 11 A Boy, that's a tough one. Offhand, I can't recall
 12 any, but I might have. I just don't know.
 13 Q If you can't recall -- and that's fine. If you
 14 can't recall --
 15 A Besides this, I mean, besides this through
 16 Tad Ottman, I don't know. I can't recall any, but
 17 I might have.
 18 Q Okay. So can you tell, from looking at the e-mail
 19 from Mr. Jensen on July 8th, can you tell what he
 20 was attaching to that e-mail, do you have a
 21 printout of that in here?
 22 A Yes.
 23 Q And so you're pointing at that's the next page
 24 back?
 25 A Yes.

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VIDEOTAPE DEPOSITION OF JESUS "ZEUS" J. RODRIGUEZ 1/11/2012

1 Q And that is the multicolored map there?
2 A Yes.
3 Q And what did you understand Mr. Jensen to mean
4 when he says an alternative map for the two
5 Hispanic districts?
6 A Because they originally made two plans for the
7 south side. They made one that had 5757, and they
8 made one that was like 5067 or something like
9 that.
10 Q When you say *they*, who are you referring to?
11 A Whoever made the maps.
12 Q Do you know who made this particular map that
13 Mr. Jensen was forwarding to you?
14 A I'm assuming Todd or Tad. I don't know for sure,
15 though.
16 Q In the two Assembly districts, the two Hispanic
17 districts that Mr. Jensen is referring to are the
18 8th and 9th of Milwaukee; is that correct?
19 A Yes, sir.
20 Q Now, Mr. Jensen also suggested you can contact
21 Tad Ottman -- he says, "You can contact Tad Ottman
22 for an explanation of both options at the address
23 above." Do you see that?
24 A Uh-huh.
25 Q Who is your understanding of who Mr. Ottman is?

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1 A He worked for the redistricting organization that
2 helped republican legislature.
3 Q Had you ever spoken with Mr. Ottman before
4 July 8th?
5 A Not that I'm aware of, nope.
6 Q Or corresponded with him by e-mail?
7 A No, not that I'm aware of.
8 Q So this was, as far as you're aware, this was the
9 first time that somebody had suggested to you you
10 should contact Mr. Ottman?
11 A I believe so, yes.
12 Q Then there's also a reference to contacting
13 Mr. Handrick; do you see that?
14 A Yes.
15 Q And did you know who Mr. Handrick was before
16 you --
17 A No, I did not.
18 Q -- received this e-mail?
19 A No, I did not.
20 Q So the first time that you, as far as you're
21 aware, that you knew Joe Handrick was involved in
22 redistricting was when you got this e-mail from
23 Mr. Jensen?
24 A Yes.
25 Q Now, as a result of getting this e-mail from

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1 Mr. Jensen, did you, in fact, contact Ted Ottman?
2 A Yes.
3 Q When did you contact Ted Ottman?
4 A Look through e-mail here. Yep, got to be right
5 here, Saturday July 9th, 2011, 7:14 a.m. I
6 believe that's it. Yep, thanks Scott and hello
7 Tad, and then I -- do you see that?
8 Q Right. So that is the -- so that's --
9 A In the timeline, it's the next e-mail.
10 Q -- A couple of pages back further from where we
11 are, right?
12 A It's in the first page of real e-mails here.
13 You're going to see them all over.
14 Q Right, and so we'll just --
15 A I feel bad about that, I'm sorry.
16 Q That's the way that it goes. So in other words,
17 we had that heat map that we were looking at,
18 right?
19 A Yes.
20 Q That was attached to Mr. Jensen's --
21 A Yes.
22 Q -- e-mail? And if we turn one page back from
23 that, is that the e-mail that you're looking at
24 that reflects your first conversation?
25 A Yes, I believe so.

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1 Q And again, that date was Saturday, July 9th at
2 7:14 a.m.?
3 A Yes.
4 Q So did you -- strike that. To contact Mr. Ottman,
5 you contacted him by e-mail as opposed to calling
6 him; is that correct?
7 A Yes. I e-mailed him first. I did end up speaking
8 to him on the telephone a couple of times.
9 Q Was that, when you spoke to him on the telephone,
10 was that after you sent this e-mail on July --
11 A I believe so, yes. Yes, I'm sure this was the
12 first.
13 THE WITNESS: Am I allowed to say
14 strike that also?
15 Q If we actually go back -- I think, as you pointed
16 out, we've got some duplicates here, I think if we
17 look back to that e-mail we were looking at just a
18 minute ago that's two pages further up -- oh,
19 you're on the same page, all right.
20 A Yes. This seems to have most of them.
21 Q Okay, good. All right. So Saturday, July 9th,
22 you sent an e-mail to -- to Mr. Ottman, you
23 thanked Mr. Jensen apparently --
24 A Uh-huh.
25 Q -- for giving you the reference. And then you

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1 say, Hello Tad, thank you for helping me in this
2 process. What I really need is a comparison of
3 the new maps, both versions, 8 and 9, and the
4 current map. Along with the actual demographics
5 and percentages, both general and voting age
6 populations of the new and old districts.
7 Preferably in PDF so I can make hard copies. So
8 you see that language?
9 A Uh-huh.
10 Q And did you receive from Mr. Ottman those things
11 that you had requested?
12 A I believe I did. And for some reason, I don't see
13 the actual demographics. I'm pretty sure he had
14 sent them right away. Oh, no, they're -- is that
15 what he sent me. I thought I put everything on
16 there, but yeah, I'm pretty sure there was just a
17 couple of numbers at the bottom of it that showed
18 the demographics of it also. It wasn't real
19 extensive, but it was a few on --
20 Q Let's flip to the very last page of Exhibit 38.
21 A Oh, is that it?
22 Q It might be. I don't know. Let's see if it is.
23 A Yeah, I think that should be to it.
24 Q We're on the last page of Exhibit 38 here, so it's
25 your belief -- why don't you take a minute to look

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1 at those.
2 A Yes. I believe this is what he sent, yes.
3 Q We'll say a few things here to try to make the
4 record clear.
5 A Okay.
6 Q And I want to try to summarize what I believe is
7 the state of affairs; you let me know if it's not.
8 A All right.
9 Q But it's your understanding then, Mr. Rodriguez,
10 that these numbers on the very last page of
11 Exhibit 38 you believe are the demographics and
12 percentages that you had requested from Mr. Ottman
13 in your Saturday July 9th e-mail?
14 A I believe so.
15 Q Do you recall asking Mr. Ottman for any other
16 demographics and percentages at any time?
17 A Yes. I believe I asked him for the Racine,
18 Waukesha -- no, I guess I did not. I think I just
19 asked for the heat maps according to the e-mail at
20 8:15 on July 9th.
21 Q And we both used the term *heat map* here; can you
22 tell me what you mean when you use the term *heat*
23 *map*?
24 A The concentration of a certain segment of the
25 population, and in this situation, it's the

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1 Hispanic population.
2 Q All right. And so if we take a look, let's turn
3 back a few pages, three pages beyond the e-mail
4 that we were just looking at, you see there's a --
5 it says HVAP Racine?
6 A Yes.
7 Q That's a heat map --
8 A Yes.
9 Q -- of Racine? And if you flip the page then one
10 more, it says HVAP Waukesha?
11 A Yes, sir.
12 Q And then we had looked at one before for Madison a
13 little bit further up, correct?
14 A Yes, sir.
15 Q And if you turn back another couple of pages,
16 you'll see a Milwaukee County, Hispanic voting age
17 population, and again, that's another example of a
18 heat map?
19 A Yes, sir.
20 Q Let's go back to the e-mail we were just looking
21 at there.
22 A Okay.
23 Q You talk about demographics and percentages. Was
24 there any discussion that you had with Mr. Ottman
25 about percentages of Latino voting age population

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1 in Assembly Districts 8 and 9?
2 A Yes. We had -- I basically told him from the
3 beginning that we would want to try to maximize
4 the political representation in those two
5 districts as best that we could, and that we would
6 want to do it on the percentage basis, yes.
7 Q Did you tell him what percentage you had in mind?
8 A Afterwards. After we looked at all of the stuff,
9 I'm pretty sure that's when I said that we'd
10 rather have something in between the two
11 alternatives that they had.
12 Q Do you recall those two alternatives being, as you
13 said, the 57, 57 and then the 50 --
14 A I believe it's 64, 50. Over there to the right
15 under Amendment 1 because that was the first
16 amendment.
17 Q So in other words, under -- let's just go to that
18 last page of Exhibit 38. There is a table that's
19 laid out there, and it says current law, AD 8,
20 which is Assembly District 8, correct?
21 A Uh-huh.
22 Q And then they've got a total Hispanic, 69.7
23 percent total voting age, Hispanic, or VAP, 65.5
24 percent?
25 A Yes.

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1 Q And LRB 2261, is that your understanding, that's
2 the way that the districts were drawn before it
3 was given to you?
4 A My understanding is is that that was the first
5 drawing of the districts, and before I saw
6 anything, they had already created an amendment,
7 and that's why I got them both at the same time.
8 And they pretty much asked me *Which one do you*
9 *think would be more favorable to the community,*
10 *and then I said Actually, neither, for my opinion.*
11 Q And what, when you gave them your opinion, what
12 did you tell them would be more favorable than
13 either the original or Amendment 1?
14 A Something in between.
15 Q Why did you say something in between?
16 A Because we wanted to have a stronger second -- we
17 were very confident, the people that -- like I
18 said Gregorio and Victor and the people that we
19 had spoken to about it, that the 8th District was
20 very safe. Only four Latinos had ran for the
21 Assembly seat in the previous election, and we
22 wanted to secure more higher voting age population
23 in the 2nd and 9th District, and this was
24 predicated on the fact that the growing -- we're
25 not stagnant. We're growing fast, and so both of

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1 them will continue to grow in VAP.
2 Q And when you say *growing fast*, do you have -- is
3 there demographic data that are collected to gauge
4 the growth --
5 A Well, just what we knew from before, how we grew,
6 44 percent or 42 percent, whatever it was, in the
7 city of Milwaukee in the area.
8 Q Was that measured over a certain period of time?
9 A Yes. From the last census data, yes.
10 Q So from, you're saying, from 2000 to 2010, there
11 was a growth of 44 percent?
12 A Whatever it was. I don't have the statistics in
13 front of me, and it has been while. Pretty much
14 tried to erase some of this from my brain, to be
15 honest with you. I have 1,600 kids and 160
16 employees and a new job, so numbers may be a
17 little fuzzy, but I could find them if you need me
18 to.
19 Q Right. But there was a growth rate that you were
20 using --
21 A Yes. There was a significant growth rate, yes.
22 And the one number I can tell you that I know of
23 that I was -- that I heard from the outreach --
24 Hispanic outreach person for the Archdiocese is
25 that the average Hispanic in the Archdiocese of

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1 Milwaukee includes all this area is only 19 years
2 old. So we know that this is going to continue to
3 go fast as far as voting age.
4 Q So your understanding of the growth rate and
5 voting age is based then, in part, on census data
6 and in part also what you've talked to with the
7 Hispanic outreach person for the Archdiocese?
8 A Yeah, a little bit.
9 Q Is there any other data that you were using or
10 considering as you had interactions with
11 Mr. Ottman or anyone else --
12 A I did -- sorry. I did a lot of Google searching,
13 you know, of numbers and stuff and previous stuff,
14 so that's where I used most of my stuff. I
15 apologize, I'm kind of -- even without this have
16 been a four-day process, I'm not much of a
17 documenter. As far as being tedious, that's not
18 my strong suit. But I do a lot of research, and I
19 come to my conclusions, and that's kind of
20 obvious. I did a lot of searching, and I got a
21 lot of numbers, a million different numbers, on
22 all these different things, and that's what I used
23 to -- but nothing that I -- I didn't print it off
24 or anything. And if I did, they're gone. I got
25 rid of them right way. I didn't like save them as

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1 a file or anything that I can remember.
2 Q Did you -- do you know whether these numbers that
3 are reflected in either -- we're on the last page
4 here, either in the current law, the LRB 2261, or
5 Amendment 1 whether they took into account
6 citizenship?
7 A No, that was not my understanding at all.
8 Q Have you, in the course of the work that you were
9 doing on redistricting, did you do anything to try
10 to gauge any citizenship rates, or have you tried
11 to gather any of that data?
12 A No, it was -- I was not aware of that component,
13 and it had not been used, to be honest, in either
14 the County or the City redistricting processes.
15 So we just used the same numbers we had been using
16 for the last couple of months.
17 Q It is true that people who are not citizens,
18 regardless of whether they're Latinos or not, they
19 cannot vote, correct?
20 A Yes.
21 Q So that was not taken into account in your
22 consideration of redistricting in the
23 recommendations that you gave to Mr. Ottman?
24 A It was not.
25 Q Turning back to the e-mail that we were looking

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1 at, the July 9th e-mail, there is a question that
 2 you raised to Mr. Ottman, you say, "Do both Zepnik
 3 and Zamarripa live in these two new versions." Do
 4 you see that?
 5 A Uh-huh, yes.
 6 Q Why were you asking that question?
 7 A Because it would make a difference.
 8 Q And in what way would it make a difference?
 9 A I knew JoCasta would be hurt. Because I didn't
 10 want to play politics, to be quite frank. I
 11 wanted to be sure they didn't purposely take out
 12 the current representatives of their district
 13 purposely, purposefully.
 14 Q And were they -- were either of them taken out by
 15 the plan --
 16 A Yes, Representative Zepnik was, and that was as a
 17 result of trying to compact as many Latino votes
 18 in the 9th District as possible.
 19 Q Is Representative Zepnik -- which political party?
 20 A He's democrat.
 21 Q And what about Representative Zamarripa?
 22 A Democrat.
 23 Q In your exchanges with Mr. Ottman and your
 24 recommendations then, did you recommend that the
 25 district lines be drawn in such a way that both

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1 Zepnik and Zamarripa were retained?
 2 A I -- I'm -- I can't recall if I exactly said this,
 3 but I would not put it past me to have said that I
 4 wanted to make sure that the politics weren't
 5 plain involved, and it just was purely based on
 6 the best representation for the Hispanic community
 7 because I've repeated that a million times. So I
 8 might have said that to them.
 9 Q So in your opinion then, as you were voicing your
 10 opinion to Mr. Ottman, if either Zepnik or
 11 Zamarripa were taken out for nonpolitical reasons
 12 as long as the Latino community or Hispanic
 13 communities representation was maximized, that
 14 would be acceptable?
 15 A Yes.
 16 Q The next sentence down after that you say, "If I
 17 am going to be able to testify as soon as
 18 Wednesday, time is of the essence, especially if
 19 we are going to make any recommendations." Do you
 20 see that?
 21 A Yes, sir.
 22 Q So the testimony that you were referring to there
 23 would the testimony in front of the -- the
 24 committee that was considering the bill in July;
 25 is that correct?

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1 A Yes.
 2 Q All right. Now, you also indicate to Mr. Ottman
 3 that he can give you a call on your cell phone,
 4 correct?
 5 A Yes.
 6 Q And you did testify a short time ago here that you
 7 did talk to Mr. Ottman on the phone?
 8 A Yes.
 9 Q What were the conversations you had with
 10 Mr. Ottman on the phone?
 11 A From what I can recall, 99.9 percent of it was
 12 just going over the details of the 3rd Senate
 13 District, making sure that we got as much as we
 14 could, and specifically, the 7th Assembly District
 15 to make the Senate District as a whole the highest
 16 voting age -- Hispanic voting age population as
 17 possible, so it was all business. I can promise
 18 you that. We didn't have time. I didn't know him
 19 either, so first time I've talked to him.
 20 Q That was the first time you've talked to him on
 21 the telephone, that time?
 22 A I believe so, yeah.
 23 Q Did you talk to -- how many times did you talk to
 24 Mr. Ottman on the phone that you recall?
 25 A I think it was maybe three times'ish. I brought

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1 the record. It should be in there. It's probably
 2 like three times or something.
 3 Q We'll go over that in just a minute.
 4 A Yeah.
 5 Q Did you talk to Mr. Ottman on the phone after the
 6 July 13th hearing?
 7 A On the phone, I e-mailed him once to ask for some
 8 old statistics after the fact. I don't think he
 9 got back to me. I don't think I called him. I
 10 might have, but I don't think I did. But it was
 11 just for that.
 12 Q When you say for that, it was for the purpose
 13 of --
 14 A For old statistics. I wanted to put together a
 15 compilation of the whole -- I was trying to be
 16 then do due diligence as far as the paperwork was
 17 concerned and put together a document that showed
 18 the reasoning, the rationale behind what I thought
 19 was correct in the redistricting process. So I
 20 was looking for old statistics from like -- from
 21 earlier census data from 2000. I was looking for
 22 it on the Internet, and I couldn't find any, and
 23 if he had some, that would be great.
 24 Q Do you recall whether he said anything to you?
 25 A I do not recall. I don't think he did.

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1 Q Your e-mail to Mr. Ottman also says, "If you think
2 it would be more efficient to bring Joe Handrick
3 in as well, I will call him too." Do you see
4 that?
5 A Yes.
6 Q Did you ever talk to Mr. Handrick on the phone?
7 A Yes, I did.
8 Q When did you talk to Mr. Handrick?
9 A It was that day, I believe.
10 Q So July 9th?
11 A Yes, I've talked to him once or twice. It was on
12 there also, I believe. It should be. I did.
13 Q What did you and Mr. Handrick talk about on the
14 phone?
15 A We didn't talk about much because I believe at the
16 time Joe was up north or doing something or going
17 on vacation for a day or two or something. I
18 don't know. And then he said I could just talk --
19 it would be better for me to talk with Tad. To
20 the best of my recollection, that's what we talked
21 about. That was the first time I ever talked to
22 Joe too so --
23 Q Did you talk with Joe after that day?
24 A You mean up to the present time?
25 Q Sure, up until the present time.

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1 A Sure, yeah.
2 Q How many times have you talked with Joe?
3 A Total, maybe five or six times, maybe seven,
4 eight. I don't know.
5 Q When was the most recent time you talked to him?
6 A I talked to him the other day, I believe.
7 Q What did you talk about when you talked to him the
8 other day?
9 A This.
10 Q About the litigation or about your deposition?
11 A Well, just about the whole thing.
12 Q What was the discussion you had with Mr. Handrick
13 at that time?
14 A Well, I just asked him what was going on, you
15 know, am I going to be deposed, and he couldn't
16 really say much, for the most part. But he said
17 just like anybody else I talked to, there's
18 nothing to hide. So go ahead and say whatever you
19 want. I just wanted to talk to the other side.
20 This was after I had spoken with Peter about this
21 issue, and I just wanted to make sure that
22 everything was kosher and I wasn't being set up
23 for anything.
24 Q When you say Peter, you're referring to Mr. Earle?
25 A Mr. Earle, yes.

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1 Q Who's one of the lawyers in the case?
2 A Yes.
3 Q And you and Mr. Earle talked about this
4 deposition?
5 A A little bit, yes.
6 Q So you talked called Mr. Handrick up to get
7 another perspective --
8 A Yes.
9 Q -- on this deposition as well?
10 A Yes, sir.
11 Q Before that conversation, when was the previous
12 time that you talked with Mr. Handrick?
13 A I spoke with him I think before that a couple
14 times, and it was mainly on this issue because he
15 says that they're going to continue to have the
16 lawsuit, and could I look at their expert witness
17 stuff, expert witness testimony or whatever, and I
18 never got it. And so that was pretty much about
19 it.
20 Q So you had one -- had a conversation with
21 Mr. Handrick at one time about possibly looking at
22 some of the expert witness materials?
23 A Yes.
24 Q Did you ever receive any kind of a draft or
25 anything?

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1 A No, I did not. Not yet.
2 Q Not yet, okay. Did you ever speak with any of the
3 experts that were retained by any of the parties
4 in this litigation?
5 A Besides Tad, I think he's an expert, right, or
6 Joe?
7 Q They're -- actually, neither of them are -- have
8 been tendered formally as experts.
9 A Then no.
10 Q Let me just ask you a couple of names just to see
11 if you recognize them.
12 A Okay.
13 Q Do you know, have you spoken with a man named
14 Morrison?
15 A No.
16 Q What about Professor Gaddie?
17 A No.
18 Q What about a man named Mr. Diez, D-i-e-z?
19 A No.
20 Q What about a man named Bernie Graufman?
21 A No.
22 Q Did you and Mr. Handrick talk about anything
23 pertaining to the litigation other than this
24 discussion about expert witness materials?
25 A No. He was very tight-lipped because he didn't

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1 know what he could or couldn't say, and he didn't
2 want to go that far, so --
3 Q Before you had those conversations, what then was
4 the previous time you had spoken with
5 Mr. Handrick?
6 A I think before that, he had did a demonstration in
7 front of a coalition that I'm involved in for
8 American Federation for Children on redistricting,
9 and so he was there doing a little slide show. I
10 can't remember when that was. But it was probably
11 a couple months ago.
12 Q Did you speak with Mr. Handrick personally at that
13 time then?
14 A Yeah, that was actually the first time I met him
15 face to face. Before that, I just -- matter of
16 fact, before that, the only conversation I had
17 with him, I believe, was on those couple phone
18 calls, which didn't go anywhere. Then when I met
19 him at that thing, he goes *Oh, you don't remember*
20 *me? I've talked to you on the phone.* I didn't
21 even remember at the time. I says *Oh, yes.* And
22 then after that, we talked a couple times.
23 Q Did you talk at all about redistricting or the
24 redistricting litigation when you spoke to
25 Mr. Handrick at that time?

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1 A No, no. It was just about -- he was just showing
2 what they did across the whole Milwaukee area,
3 both in the north side and in the south side, and
4 basically the logic that goes behind the
5 difficulties in redistricting.
6 Q Did you ever have any substantive conversations
7 with Mr. Handrick about the way that the districts
8 were drawn for the 8th and 9th Assembly districts?
9 A No, not really.
10 Q All right. So back to the e-mail that we had from
11 July 9th and just working my way up the e-mail
12 chain here, it looks like on 9th, it would have
13 been 5:21, 17:21 is what it says on here.
14 A Right.
15 Q Tad Ottman wrote to you, "Here are the maps of the
16 seats under the bill as introduced with the
17 current overlaid on top, as well as the
18 amendment. The third file is some statistics on
19 the districts. We are still working on the heat
20 maps at this time." Do you see that?
21 A Yes.
22 Q All right. And the statistics on the districts,
23 that's what you believe was captured in that last
24 page of Exhibit 38?
25 A I -- I believe so.

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1 Q The e-mail in Mr. Ottman refers to the current
2 district being overlaid on top; do you see that?
3 A Yes.
4 Q If you turn to that next page, can you -- can you
5 tell from that printout there which is the current
6 district and which are the ones that are overlaid
7 on top?
8 A Yes.
9 Q Can you describe those as best you can here?
10 A Yeah. The old one is circled or basically
11 outlined in red, and then the new ones are
12 color-coded. One is green, and one is light blue.
13 Q And so the numbers that are there as well, 8
14 and 9, those both fall within the current and the
15 redrawn districts?
16 A Yes, yes.
17 Q So the 8 -- the 8th District as drawn here laid
18 out sort of horizontally?
19 A Uh-huh.
20 Q That would be, that has JoCasta Zamarrripa in it,
21 that would be the current district at that time,
22 correct?
23 A Yes.
24 Q Right. And then the redrawn 8th would have been a
25 little bit more vertically oriented --

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1 A Yes. Absolutely, yes.
2 Q And then as far as the 9th is concerned, as
3 represented on this map, again, that's sort of
4 laid out the current district is a little bit more
5 horizontally?
6 A Yes.
7 Q And Josh Zepnik is way over in the corner?
8 A Yes.
9 Q And then the redrawn district would be, again, a
10 little bit more vertical, correct?
11 A Yes.
12 Q Now, it appears that the existing districts extend
13 beyond -- the boundaries of the existing districts
14 extend beyond the boundaries of the redrawn
15 districts; is that correct?
16 A Yes, both to the east and west slightly.
17 Q Did you have any conversations with Mr. Ottman or
18 Mr. Handrick at all about the boundaries of the
19 redrawn districts as opposed to just the
20 percentages?
21 A Yes, with Tad.
22 Q What did you discuss with Mr. Ottman about that?
23 A Basically if -- well, it really didn't matter too
24 much as long as we were concentrating on the
25 Hispanic community. That's what we were concerned

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1 about. As you can see, Representative Zepnik
2 is -- was -- even in the old district is all the
3 way in the corner, and that's a much higher Anglo
4 population there, and that's why he basically got
5 redistricted out. If we were to go any more to
6 the west at that point, we would have lost the
7 percentage. And with the actual population growth
8 in these areas, it was okay to move -- to reduce
9 some of that area and go towards where the growth
10 was down here that it had extended south of the
11 current 9th District.

12 Q When you say down here, you mean there down to
13 the --
14 A South.

15 Q South. All right. And that's the area that's
16 captured in green --
17 A Yes.

18 Q -- that would be -- fall within the 9th District?
19 A Yes, and that's the migration of the Latino
20 population there and west, but we went as far west
21 as we could without diluting the VAP.

22 Q Did -- so when you talked with Mr. Ottman about
23 the borders of the redrawn 8th and 9th, you didn't
24 express to him any particular preference about
25 where those borders would fall with respect to the

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1 old districts?
2 A No, it would not matter. The only thing that was
3 a concern was that we got the highest most
4 Hispanic voting age population in those two
5 districts with the consideration of future growth.
6 We know that the African-American community is
7 coming from the north down to the south. And so
8 the 8th District would have absorbed all that. In
9 this configuration, it would be absorbed by both,
10 but also getting more from the south there. Keep
11 the ones who are moving towards the south.

12 Q And your understanding then of not including
13 portions of the existing 9th District within the
14 redrawn 9th had to do with the makeup of the
15 community that was omitted from the redrawn 9th;
16 is that correct?
17 A Yes.

18 Q And what was the nature of that community that was
19 left out of the new 9th?
20 A It had a very -- it had much lower Hispanic voting
21 age population.

22 Q Is that -- is that an understanding that you
23 gained from talking to Mr. Ottman?
24 A That was, well, not just talking to him, but
25 looking at the maps, the heat maps and such.

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1 Q Is there any one here in particular that was
2 produced to you that you can point to?
3 A You can see in the Milwaukee County Hispanic
4 voting age populations, there you go. And you can
5 see the yellow shows that it's nine to 21 percent
6 Hispanic voting age population in his current
7 district area, and it goes all the way.

8 MR. EARLE: Which one are you --
9 THE WITNESS: This one.
10 MR. EARLE: Nail that down for the
11 record.

12 Q So we'll turn to -- just for the record, this is a
13 heat map that says Milwaukee County, Hispanic
14 voting age population. It has it appears --
15 there's no particular identifying feature on this
16 particular page. Up at the top it looks like
17 there is a reference to some text and e-mail, it
18 says configuration, the two districts, that was
19 introduced along with the bill on legislative
20 districts. It looks like it's an e-mail from
21 Tad Ottman?
22 A Yes, and then --
23 MR. EARLE: That's the first line?
24 Q That's the first line on that page, correct?
25 A Right. And then the link, because I looked at the

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1 maps also online too. The one that was given by
2 the State.
3 Q So this --
4 MR. EARLE: I think it's the eighth
5 page from the back.
6 MR. POLAND: Eighth page from the
7 back. One, two, three, four -- there's more
8 than eight.
9 THE WITNESS: There's duplicates,
10 so that's the thing.

11 Q And I've got the eighth page from the back as well
12 as Mr. Earle when I count.
13 A Okay.

14 Q So this was the map that Mr. Ottman provided to
15 you?
16 A Yes.

17 Q All right. So this is the map that you looked at
18 to reach your conclusion that redrawing the
19 boundaries to exclude that one portion of existing
20 Assembly District 9 was okay because the
21 concentration of Hispanic persons was much lower?
22 A Right.

23 Q Did Mr. Ottman ever provide you with any
24 particular data or specific data as to that
25 portion of existing Assembly District 9, or was it

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1 just this review of the heat map?
 2 A It's the review of the heat map with the numbers
 3 over here, yeah.
 4 Q You mentioned before that you do some of your own
 5 research. Did you do any of your own research to
 6 try to figure out what the Hispanic voting age
 7 population would be in either of these two
 8 districts?
 9 A Sure, sure.
 10 Q You mentioned before you looked at census data?
 11 A Right.
 12 Q Was there anything -- I don't know if there was
 13 anything else that you had at your disposal to
 14 look at that?
 15 A No, no, just public information.
 16 Q Let's go back to the e-mail that we were with
 17 looking at before. Looking at Saturday July 9th
 18 at 8:15 p.m., you sent an e-mail to Mr. Ottman, it
 19 would appear; is that correct?
 20 A Yes.
 21 Q So then you ask to have the heat maps for
 22 Waukesha, Racine, and Madison?
 23 A Uh-huh.
 24 Q Why did you ask for those?
 25 A Because I wanted to make sure that if there was a

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1 possibility of them having a better Hispanic
 2 representation, that we would consider those also.
 3 Q And we've seen, scattered throughout the printout
 4 here in Exhibit 38, we've seen some of those heat
 5 maps, correct?
 6 A Yes.
 7 Q Did you reach any conclusions when you looked at
 8 those heat maps?
 9 A The preliminary conclusions was that it was not
 10 compact and contiguous enough and populous enough
 11 for it to have made a difference at this exact
 12 moment.
 13 Q And who made that particular determination?
 14 A I did, just looking at it, I mean, but could be
 15 wrong, but --
 16 Q Do you have any understanding about the legal
 17 requirements to --
 18 A Yes, exactly. So when we had talked about it
 19 specifically with these ones, I think I remember
 20 him talking about how taking from other, you know,
 21 wards and such and how that affects and having to
 22 have the perfect population as close as possible
 23 and such, so yeah.
 24 Q Do you recall whether there was federal
 25 legislation that covers that, any federal law that

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1 covers creating Hispanic districts?
 2 A Well, besides the Voters Right Act, you mean?
 3 Q Voting Rights Act. So you have a little
 4 familiarity with the Voting Rights Act?
 5 A Oh, yes, yes.
 6 Q So looking at these maps, it was your conclusion
 7 that the Voting Rights Act, didn't support
 8 creating Latino districts in Madison or Waukesha
 9 or Racine?
 10 A Yes.
 11 Q Is it your understanding the Voting Rights Act did
 12 support creating Latino districts in the city of
 13 Milwaukee?
 14 A Yes, yes.
 15 Q Now, in that same e-mail we were just looking at,
 16 the Saturday July 9th at 8:15 p.m. e-mail, you
 17 say, "Last but not least when and who do I speak
 18 with about making actual changes to the proposal?
 19 I spoke with Joe and he said that we would be able
 20 to work with someone." Do you see that?
 21 A Yes.
 22 Q Who did you work with in recommending changes?
 23 A Tad.
 24 Q And then also, we're going to jump one e-mail up
 25 from there.

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1 A Okay.
 2 Q It looks like Tad says, "In terms of a contact for
 3 information about changes to the proposal, you
 4 should contact Ray Taffora with Michael Best &
 5 Friedrich," and then he gives a telephone number,
 6 correct?
 7 A Yes.
 8 Q All right. So did you also speak with
 9 Ray Taffora?
 10 A I did speak with him at one time point. At this
 11 point, I don't know if I spoke with him before the
 12 hearing or the day before. I mean, I did speak
 13 with him before the hearing. I think it was like
 14 the day before or whatever, but he, from my
 15 understanding, he was not the one who made any of
 16 the decisions. I mean, he might have made the
 17 decision, but not to me, you know. I mean, I
 18 didn't even tell him -- talk to him much about
 19 this. I really don't recall too much of my
 20 conversation with him, to be honest with you, at
 21 that exact moment.
 22 Q So in terms of making recommendations --
 23 A I just told Tad, yeah.
 24 Q Now, when you -- when you worked with Tad on the
 25 changes, was it done by e-mail? Was it done by

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1 telephone? Was it --
 2 A It was done by phone, it has to be, because I
 3 don't see any of the recommendations here.
 4 Because I basically said something in between
 5 having at least one super majority at the time.
 6 We figured that was a 60.5 HVAP, and that's why
 7 they did that, to my understanding.
 8 Q Now, I note that Mr. Jensen had originally reached
 9 out to you?
 10 A Uh-huh.
 11 Q Do you know if he reached out to any other members
 12 of the Latino community in Milwaukee to get their
 13 recommendations or input on --
 14 A I do not know.
 15 Q As you sit here today and looking back, are you
 16 aware of any other members of the Latino community
 17 in Milwaukee who provided input on -- on the maps
 18 as drawn?
 19 A I do not.
 20 Q Did you personally, in formulating your opinions
 21 about the proposed districts, Assembly Districts 8
 22 and 9, did you personally reach out to other
 23 members of the Latino community to get their input
 24 on how they felt about the proposals that you
 25 received from Mr. Ottman?

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1 A Yes.
 2 Q And who did you speak with about that?
 3 A Victor Huyke and Gregorio Montoto.
 4 Q Did you provide them with copies of these maps as
 5 well?
 6 A You know, I might have printed them out at the
 7 time. To be honest with you, I don't -- I don't
 8 think I e-mailed it to them. I may have, but I
 9 don't think I did, but I probably made copies.
 10 But I explained to them also.
 11 Q Ran through the same analysis with them --
 12 A Yeah.
 13 Q -- that you have gone through yourself?
 14 A Yeah. From the very beginning, specifically with
 15 Hispanics for Leadership, the whole point with the
 16 people who were in agreement with that was to
 17 promote the greatest political representation for
 18 the Latino community on all levels, on all levels.
 19 And so going forward, this was just being
 20 consistent with what we were doing in the other
 21 areas with the City and with the County, getting
 22 the two, and trying to have one good super
 23 majority, and having another one that was much
 24 more influential, if not a majority, which we did.
 25 So that was the whole point. So going back with

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1 the individuals that we spoke to, I didn't speak
 2 to every single individual on the State. But
 3 between myself, Hector, and Gregorio, we pretty
 4 much also reinforced what we were doing and they
 5 agreed with it, so at least to the best of my
 6 knowledge.
 7 Q Okay. At the very top of this page that we're
 8 currently on, there's an e-mail from Mr. Ottman to
 9 you dated July 11th, and Mr. Ottman says, "I
 10 wanted to get you one more proposal to look at.
 11 This alternative has AD 8 with 60.5 HVAP and AD 9
 12 with a 54.03 HVAP. I've overlayed the current
 13 district outlines on top." And that was the map
 14 that we were just looking at a minute ago?
 15 A Yes.
 16 Q Let me be more precise for the record because
 17 we've looked at a couple. That's the map that
 18 appears in Exhibit 38, one page back; is that
 19 correct?
 20 A That one, yes.
 21 Q Yes, all right. So that's -- all right. That is
 22 the map that appears one page back from --
 23 A Let me just make sure.
 24 MR. EARLE: Just to make the record
 25 clear, could we have him make a notation on

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1 the marked exhibit of the map that he's
 2 referring to? So it will be in the record,
 3 maybe put down a letter or a number? We
 4 won't have to get confused later on and
 5 reconstruct what page he's actually on.
 6 MR. POLAND: We can do that.
 7 THE WITNESS: Can I mark on yours?
 8 MR. POLAND: No. You can mark on
 9 the official copy.
 10 THE WITNESS: Is this my official
 11 copy?
 12 MR. POLAND: That's your official
 13 copy.
 14 Q So in other words, what we're looking for here is
 15 there is this e-mail from Mr. Ottman at the top on
 16 July 11th, at the top of the page where he says,
 17 "I wanted to get you one more proposal to look at.
 18 The alternative has AD 8 with 60.5 HVAP and AD 9
 19 with 54.03 HVAP. I've overlayed the current
 20 district outlines on top."
 21 A Right.
 22 Q And if you can put an indication on your copy of
 23 which page that is?
 24 A I'm trying to remember.
 25 Q That page --

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VIDEOTAPE DEPOSITION OF JESUS "ZEUS" J. RODRIGUEZ 1/11/2012

1 A There was two of them that looked similar.
 2 There's this one where the 8th District had the
 3 one that talks about them, which I'm sure that's
 4 not the correct one, and then there's one. I
 5 believe this is the one right here.
 6 Q Let's -- let's --
 7 A Let me just show you. There's two different
 8 versions that I have on the map, and I can't
 9 remember, if it doesn't show it on here which one.
 10 I'm pretty sure that this one, with the
 11 9th District that shoots down to the south is the
 12 one that ended up being the one that was used.
 13 Then there's another one where the 8th District
 14 goes down to the south. So these are one of the
 15 two alternatives, and I'm trying to remember which
 16 one is which.
 17 MR. EARLE: This will be
 18 unintelligible on the transcript.
 19 MR. POLAND: What I'm going to
 20 suggest we do is we're going to go off the
 21 record for a minute. We're going to just
 22 number the pages on this, which is what I
 23 should have done from the beginning, and then
 24 we can -- then we can refer --
 25 THE WITNESS: Sure, but what I'm

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1 saying is that right at this moment, because
 2 I don't want to make a mistake on this, I
 3 can't -- I don't want to make the wrong
 4 choice here. It's one of these two, but I
 5 can't remember which one it is.
 6 MR. EARLE: If we could do it like
 7 an A and a B and just indicate which is one
 8 on the record so we'll know.
 9 MR. POLAND: No, I understand.
 10 Let's go off the record for a minute, and
 11 we'll number the pages.
 12 THE VIDEOGRAPHER: The time is
 13 10:30, and we are going off the record.
 14 (Discussion off the record)
 15 (Exhibit No. 38A marked for
 16 identification)
 17 THE VIDEOGRAPHER: The time is
 18 10:45. We are back on the record.
 19 Q Mr. Rodriguez, before we broke, we were talking
 20 about Exhibit 38; do you recall that?
 21 A Yes.
 22 Q All right. Now, during the break, to -- for the
 23 purpose of avoiding any further confusion about
 24 which pages we're looking at, we went through and
 25 had you number the pages on Exhibit 38, correct?

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1 A Yes.
 2 Q And we came up with 21 pages total on Exhibit 38?
 3 A Yes.
 4 Q And those are now reflected in the numbers at the
 5 bottom of the page?
 6 A Yes.
 7 Q We also discovered that there were a number of
 8 pages you brought with you this morning that
 9 unfortunately were not copied when we made the --
 10 when we made the copies of Exhibit 38, correct?
 11 A Yes.
 12 Q And we've marked that as a separate exhibit, which
 13 I'm handing to you now, and we've marked that as
 14 Exhibit 38; do you see that?
 15 A 38A, yes.
 16 Q We've numbered the pages on 38A as well, correct?
 17 A Yes.
 18 Q So those are numbered pages 1 through 5?
 19 A Yes.
 20 Q As you pulled them off your computer and brought
 21 them in with you today, the pages that are in
 22 Exhibit 38 and 38A were all part of the same stack
 23 of documents you brought, correct?
 24 A Yes.
 25 Q All right. I'm going to ask you to have both of

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1 those right in front of you, and I want to go back
 2 to the questions that we were asking just before
 3 we broke, all right?
 4 A Okay.
 5 Q And let's turn to page, now that I have a page
 6 number, let's turn to page 8 of Exhibit 38.
 7 A Yes.
 8 Q We were talking about that. And up at the very
 9 top, we talked about this one more proposal that
 10 Mr. Ottman sent to you on July 11th; do you
 11 remember that?
 12 A Yes.
 13 Q Can you identify which proposal that was from the
 14 pages of either Exhibit 38 or 38A?
 15 A Yes, I can. On page 9, this is the final map with
 16 the 60, 54 ratio, 60.5.
 17 Q I'd like you to turn to page 21 of Exhibit 38.
 18 A Yes.
 19 Q So that refers -- again, we talked about this page
 20 before, it's the last page of Exhibit 38, and
 21 there are three different percentages given. One
 22 for current law, one for LRB 2261, and one for
 23 Amendment 1; do you see that?
 24 A Yes.
 25 Q Are there heat maps in either Exhibit 38 or 38A

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1 that match up with either the current law,
 2 LRB 2261 or Amendment 1?
 3 A Yes, I believe so. Not in that one. It's going
 4 to be in 38, and I believe this is, on page 19, I
 5 believe this is the heat map for Amendment 1, I
 6 believe.
 7 Q We've been talking before, you identify that
 8 because of the configuration of Districts 8 and 9;
 9 is that correct?
 10 A Yes, yes.
 11 Q And then did you also see a heat map for the
 12 districts proposed by LRB 2261?
 13 A I do not believe so, and I think the reason why
 14 was because I probably didn't even care about that
 15 one because that was going to be a nonstarter
 16 anyways, the 57, 57. I didn't even want to see
 17 that one.
 18 Q Why do you say it was a nonstarter?
 19 A Because that -- that wasn't -- from my personal
 20 opinion, I didn't think that that was going to be
 21 a good, final product as far as getting -- you
 22 know, I didn't want to go too far down below the
 23 60 percentile in District 8. And so starting at
 24 57, it was not what I thought was appropriate.
 25 Q I'm going to ask you to take a look at

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1 Exhibit 38A, so that's the five-page one, right?
 2 A Uh-huh.
 3 Q If you look back three pages --
 4 A Yes.
 5 Q -- you'll see an alternative Hispanic district
 6 configuration?
 7 A Yes.
 8 Q So which -- which map was this?
 9 A This was the alternative -- actually, yes, this
 10 was the alternative. I don't -- actually, I don't
 11 know what this one is for.
 12 MR. EARLE: When you say you don't
 13 know which one, now you're referring to
 14 page 17?
 15 THE WITNESS: Yes, page 19.
 16 A Yes, I had -- because this one is showing.
 17 Unless -- yeah, yeah, yeah, no, no, this is --
 18 yeah, right here, it shows alternative Hispanic
 19 district configuration LRBa on page 3 of 38A,
 20 Exhibit 38A, and this is -- this is not a heat
 21 map, though.
 22 Q Right. Which configuration is -- do you remember
 23 which configuration this is? And by *this*, I mean
 24 page 3 of Exhibit 38A?
 25 A Hold on real quick. I think it's coming to me

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1 now. I'm sorry, go ahead. What did you say?
 2 Q Sure. Which configuration is displayed in the map
 3 that's on page 3 of Exhibit 38A?
 4 A This is the alternative map that was shown on
 5 page 21, the LRB Amendment 1. I believe that's
 6 what -- I believe that's what -- hold on, let me
 7 look here. Yes, that's this one. That's the one
 8 on 38A, page 3.
 9 Q And did you -- do you not agree with that
 10 Amendment 1; is that correct?
 11 A No, I did not.
 12 Q And why was it that you did not agree with it?
 13 A Because I felt we could have a stronger
 14 District 9.
 15 Q Moving some of the population --
 16 A Yes.
 17 Q -- from 8 into 9?
 18 A Yes.
 19 Q Then going back to page 19 of Exhibit 38, if you
 20 can tell now, if you can tell what this one is?
 21 A Yes, I think -- yes, I think this one may be the
 22 57, 57 maybe. Let me see. Let me look at the way
 23 this -- these e-mails -- I don't even have it on
 24 here. Darn it. I know the final one is on
 25 page 9. Yes, the final one, I believe, is page 9.

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1 That is the 60.5 and the 54, that is the
 2 Amendment 2. That's the last one that he showed
 3 me on page 9. I believe page 19 might be the
 4 original LRB 2266, I believe.
 5 Q All right. I'm going to throw --
 6 A I kind of put those ones out of my mind from the
 7 get-go because I really wasn't interested in,
 8 so --
 9 Q To further complicate matters, I'm going to throw
 10 one more actually into the mix.
 11 A Okay.
 12 Q Can you turn to page 15? Can you identify the map
 13 on page 15, what that represents?
 14 A I believe that's just the original -- I believe
 15 that's the original districts.
 16 Q The existing districts?
 17 A Yes, I believe so. That's what it looks like to
 18 me.
 19 Q And then on page 19, what you had referred to as
 20 the 57, 57 map?
 21 A I think that's what it is, yes.
 22 Q And so that would have been an initial proposal
 23 that came from Mr. Ottman?
 24 A Yes, the first amendment was already in there
 25 before I even saw anything.

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1 Q So the map on page 19, if we flip to the back on
2 page 21, would that correlate with the maps that
3 are under that LRB 2261 column?
4 A Amendment, Amendment 1. No, no, no, I'm sorry,
5 you're right. You're right, LRB 2261, 57.2,
6 57.2B.
7 Q So that corresponds with the map on page 19, you
8 think?
9 A I think -- I think so.
10 Q Were you ever shown any maps other than the maps
11 that are contained here in Exhibits 38 or 38A?
12 A No. I don't think so, no.
13 Q Did you ever have any discussion with percentages
14 of Hispanic voting age population in Districts 8
15 or 9 other than as discussed in the e-mails in
16 Exhibits 38 and 38A?
17 A Discussions, no, no. I did that research online
18 and then also with the original on page 21, or not
19 on page -- yeah, on page 21 and then the heat maps
20 and taking that into consideration on all of them.
21 Q You can set those to the side.
22 A I'm sorry about that.
23 Q No need to apologize.
24 A I told Peter I'm not going to study for this.
25

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1 (Exhibit No. 39 marked for
2 identification)
3 Q We are -- I've learned my lesson once, so now I'm
4 handing you Exhibit 39, and before we embark on
5 any questioning, I'm going to suggest that we
6 number those pages.
7 A All right.
8 Q How about that?
9 MR. EARLE: They're actually
10 numbered.
11 THE WITNESS: Are they?
12 MR. POLAND: They are numbered.
13 Q So Mr. Rodriguez, let me ask you, what is
14 Exhibit 39?
15 A It is a copy of my phone records from 7/12 to 7/14
16 at 12:00 p.m.
17 Q Why did you print out July 12th through
18 August 11th?
19 A Well, actually, the other exhibit that we haven't
20 yet seen started on the 7th, started earlier.
21 This is the second part.
22 (Exhibit No. 40 marked for
23 identification)
24 Q All right. Let me hand you a copy of that exhibit
25 then. I'm handing you a copy of Exhibit No. 40.

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1 So let's go ahead and number those pages too if
2 they're not. If they are numbered --
3 A Yeah, they are numbered. They're not in order,
4 though. It starts at 26.
5 Q That's fine. As long as we have an identifying
6 number on the bottom, we'll be okay.
7 A Excellent.
8 Q So in terms of the sequence then, we should look
9 at Exhibit 40 first; is that correct?
10 A Yes.
11 Q Can you please describe what exhibit -- what is
12 contained in Exhibit 40?
13 A My phone records at 7/7 at 8:07 p.m. to 7/11/2011
14 at 7:21 p.m.
15 Q Why did you, for Exhibit 40 and Exhibit 39, we'll
16 consider them together here, why did you print
17 your phone records from July 7th through
18 August 11th?
19 A Because these should be the only times within this
20 time frame that I would have had any contact or at
21 least any pertinent contact with the people in
22 question here, Tad and Ray and Joe.
23 Q So you didn't have --
24 A And even Scott, yeah.
25 Q You didn't have any phone calls with anyone about

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1 the state-wide redistricting before July 7th --
2 A The only one that I may have, but it won't be
3 identifiable because I talked to more often is
4 Scott Jensen, that original phone call when he
5 asked me if I was willing to look at it, and that
6 probably was a couple weeks before, and I couldn't
7 tell you when, so --
8 Q So let's take a look at Exhibit 40. Can you
9 identify which of these particular calls were
10 calls that related to redistricting?
11 A Well, see -- no, no, I don't mean to laugh, I'm
12 sorry. Well, again, 95 percent of my time at this
13 exact point was on County redistricting. Only
14 five percent of this was on the State. So over
15 the -- the ones I can tell you that were for sure
16 on the State was the ones that I had made to Tad,
17 and it was probably on page 28 of Exhibit 40.
18 Well, here's actually, on page 27, right before, I
19 think at the bottom, there's a 608 number. I
20 don't know if that's his or not.
21 Q The 608-561-1124 number?
22 A Yes. That's either Tad or -- oh, actually, you
23 know what, that was in the original e-mail. I
24 think that's Handrick's number. Let's see whose
25 number that was. That is -- no, that's not his.

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1 So Joe Handrick's number I can identify pretty
2 easily.

3 MR. EARLE: Are you referring to
4 Exhibit 38? Could you identify what page
5 number on Exhibit 38, so for the record?

6 A That was in the e-mail. On page 8 of Exhibit 38,
7 you can see a phone number down there from
8 Scott Jensen saying Joe Handrick's phone number,
9 608-215-5837. So wherever that is in here, which
10 was once or twice. And then -- so I don't know
11 exactly who this -- I mean, I'm sure it's one of
12 them.

13 Q Let's take a look, for example, at page number 28
14 in Exhibit 40.

15 A Yes.

16 Q So if we look at -- so here we're looking back at
17 Exhibit 38, and as Mr. Earle pointed out, it looks
18 like Scott Jensen had indicated Joe Handrick's
19 telephone phone number as 608-215-5837?

20 A Yes.

21 Q All right. And so if we look on Exhibit 40, can
22 you identify --

23 A Yes, I can.

24 Q And can you give me examples?

25 A 11:39 a.m.

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1 Q And this is on July 9th?

2 A On July 9th.

3 Q We're on page 28, correct, of Exhibit 40?

4 A Yes. So we have July 9th at 11:39 and then again
5 on July 9th at 11:55.

6 Q And those are telephone conversations with
7 Mr. Handrick?

8 A Yes.

9 Q There also -- again, back on Exhibit No. 38, it
10 appears that there is another telephone -- oh, no,
11 that's your own telephone number. I was looking
12 to see in Exhibit 40, if there's another telephone
13 that's identified for --

14 A Joe?

15 Q Yeah, Mr. Handrick or Mr. Ottman.

16 A I don't see any more for Joe.

17 MR. EARLE: Other than the ones --

18 A Other than the two, and I'm just guessing by
19 memory.

20 MR. EARLE: Did you look at
21 page 29?

22 THE WITNESS: 29 I looked at. I
23 don't see any 215 numbers on there.

24 MR. EARLE: 215.

25 A Isn't it 608-215 --

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1 Q Yes, 5837, that's correct.

2 A The other ones from 608, I believe, probably, the
3 one right before that at 11:37 a.m., that's
4 probably, I'm guessing, Tad, 608-561-1124, I'm
5 assuming, because they're both at the same time.
6 And I think what I did here was, if I can recall
7 right, I called Tad's phone number and the two
8 minutes probably means that I didn't talk to him.
9 I probably just left a message. Long voice mail
10 voice messages, I know. And then also the second
11 one maybe to -- when I first talked to Tad or to
12 Joe, and I think he called me back and that's what
13 the 12 minutes are in 11:55 one, and that would
14 make sense. And I think that's all I talked to
15 Joe that one time.

16 Q So if we look a little bit further down then on
17 that same page, this is page 20 of Exhibit 40 --

18 A Yes.

19 Q -- at 4:00 p.m. --

20 A Yes.

21 Q -- it appears that there was another call to --

22 A Yes, I think that's Tad too.

23 Q That's Tad.

24 A I think that's Tad.

25 Q And then if we turn to the next page, page 29, it

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1 appears on July 11th, there is another call to
2 that same 608-561-1124 number; it might be Tad?

3 A Yes, yes.

4 Q Turning back to the very first page of Exhibit 40,
5 which is marked as page 26 in the lower right-hand
6 corner, there is a 608 area code phone call at
7 9:13 a.m. on July 8th. Do you -- is that number
8 familiar to you?

9 A No. That could have been Tad too. I might have
10 gotten one. I don't know if I had a cell phone,
11 if I had a regular number and a cell phone number
12 maybe. To be honest with you, I don't remember.
13 That could have been it. That could have been --
14 actually, yeah, don't know for sure, but if I can
15 recall right, I think I called the official
16 number, something like that. And then when I
17 talked to Joe during that conversation, I think he
18 might have -- yeah, that would -- nope, because I
19 called him beforehand. I don't know where I got
20 Tad's number from, to be quite honest with you.
21 Someone gave it to me.

22 Q All right. Then let's look at Exhibit No. 39.
23 You testified before this is a continuation of
24 your cell phone log?

25 A Yes.

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1 Q I note on the very first page, which is actually 1
2 of 30, it appears in the lower right-hand corner,
3 item number 10 on July 12th at 9:23, there's a
4 call to a 608-283-2244 number; do you know that
5 what that is?
6 A Uh-huh. That could be -- I don't know for sure,
7 but that could be Ray Taffora's phone number at
8 his office, could be. I know I talked to him at
9 some point.
10 Q And then jumping up to the page that's marked 3
11 out of 30?
12 A Yes.
13 Q If you look at on July 12th, there's a call to
14 608-258-2291, a 16-minute conversation; do you
15 know who that was?
16 A It could have been Ray Taffora. I don't know. I
17 spoke to him one time really, and I can't remember
18 what day it was, or I think it was on that day,
19 and that looks about the right time that I would
20 have talked to him, yes. It looks about the right
21 time. But there was somebody else from one of
22 these numbers, the 262 number, I think, that could
23 be him. That could be him, actually, that number.
24 Q The 258-2291 number?
25 A Yeah, I think so.

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1 Q All right. And then if we look a little further
2 down the list, the very last one on page number 3
3 is a 608-257-3501 --
4 A Oh, you know what -- which one of these ones --
5 yeah, I don't know. I don't know, I'm sorry. I
6 did this last night. I figured you guys would
7 have that.
8 MR. EARLE: You've got page 6, I'm
9 sorry.
10 Q Then page 6, this is item number 121, July 13th at
11 3:54 there's a call to the 608-257-3501 number; do
12 you see that?
13 A On which page?
14 Q This is on page 6, so it's the last page of
15 Exhibit No. 39.
16 A Which one?
17 Q It's item number 121, July 13th.
18 A Oh, yes.
19 Q Recall the 608-257-3501 number?
20 A Yes.
21 Q So it's your -- it's your recollection now that of
22 the phone calls in these two logs, the ones in the
23 608 number would have been either to Ottman or
24 Taffora or to Handrick?
25 A Yes, yes. Yeah, I believe so. I did speak with

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1 Zipperer in one of these, and I don't think it's a
2 608 number, though, just to ask him about the
3 process the next day because I had to be at the
4 County. So I wanted to get in there as fast as I
5 could basically.
6 Q That would have been the day before the hearing;
7 do you believe?
8 A Yes, yes, yes. And that was not promised to me.
9 I just let him know what -- you know, if I was
10 going to be there and testify.
11 Q Did you talk at all with Mr. Zipperer about the
12 makeup of Districts 8 and 9?
13 A No, uh-uh. This was just all procedural for the
14 committee the next day.
15 Q At any time did you talk with any of the state
16 legislators about the makeups of Districts 8
17 and 9?
18 A In which capacity? I mean, in which way would I
19 speak to them about it? I mean, I talked to
20 JoCasta about it.
21 Q And what did you and JoCasta discuss?
22 A Oh, that's one of those 608 numbers, a couple
23 times, was with JoCasta. A few of those were
24 JoCasta, yeah, pretty sure, yep.
25 Q JoCasta's office obviously is in Madison?

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1 A Yes, yes, I believe so.
2 Q And what did you and JoCasta discuss with respect
3 to the districts?
4 A She basically didn't want me to come testify,
5 didn't think that the numbers were good for us,
6 for the community. And I disagreed, but we spoke
7 about it.
8 Q In terms of she didn't think the numbers were good
9 for the community, do you know what she meant by
10 that?
11 A What she was referring to?
12 Q Yes.
13 A She was referring to the 60, 54, I'm sure.
14 Q Did she tell you why she didn't think they were
15 good for the Hispanic community?
16 A Because she thought that we could get closer to 70
17 percent in her district and still have the 54 in
18 the 9th district, and I said that's impossible.
19 Q And why did you say that was impossible?
20 A Because I knew the demographics and I told her
21 that. I said look at the heat maps and the
22 demographics. I even spoke with Peter Earle the
23 next day at the hearing that I had looked at those
24 numbers, and it was impossible to get to those.
25 And specifically from a Senate -- there was no way

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1 to get a majority of the Senate with the numbers
2 that we had in Senate District 3.
3 Q And again, that was based on the numbers that you
4 had seen --
5 A Yes.
6 Q -- and the e-mails that you had received from
7 Mr. Ottman and those heat maps and then from your
8 own looking at the census data?
9 A Yes.
10 Q Any other discussions that you had with JoCasta
11 about the substantive makeup of Districts 8 and 9?
12 A Not really.
13 Q Did you speak with any other legislators, state
14 legislators about the makeup of Assembly
15 Districts 8 and 9?
16 A About the makeup, no.
17 Q What about the percentages of Hispanics, anyone?
18 A No.
19 Q You can set those two documents to the side then.
20 MR. POLAND: I'd like to mark this
21 as Exhibit 41.
22 (Exhibit No. 41 marked for
23 identification)
24 Q Mr. Rodriguez, I'm handing you a document that has
25 been marked as deposition Exhibit No. 41. This is

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1 not a document that you produced today. I'm going
2 to ask you to take a look at it. Have you taken a
3 look at it?
4 A Yes, sir.
5 Q For the record, this is a document that was
6 produced to us just yesterday. It's a
7 supplemental -- supplement to Mr. Foltz's
8 production. It's a gmail printout. The top is an
9 e-mail message from Tad Ottman to Adam Foltz dated
10 Saturday, July 9th, 2011, 11:12 a.m. And I'm just
11 going to read from this. Mr. Ottman is putting in
12 this e-mail to Mr. Foltz, it says, "I spoke to
13 Jensen's Hispanic contact, Jesus Rodriguez. Along
14 with the heat map from Milwaukee, he was
15 interested in heat maps at least from Racine, and
16 maybe from Waukesha and Madison to show that those
17 communities aren't fractured." Do you see that
18 language?
19 A Yes, sir.
20 Q Do you know what Mr. Ottman meant by the reference
21 to *fractured* there?
22 A Yes.
23 Q What did he -- what's meant by that?
24 A I wanted to make sure that they -- they basically
25 weren't divided in half and not concentrated as

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1 well as they could be if it was appropriate.
2 There's an appropriate argument to me.
3 Q And it was your conclusion that it was not an
4 appropriate argument?
5 A There was a fracture in one of them, but it
6 wouldn't have mattered because there wasn't
7 enough. So that's what I can recall.
8 Q When you say *there wasn't enough*, there weren't
9 enough Hispanics in that district?
10 A Right, because in order to have done it, it would
11 have messed other things up in a way where because
12 of the population it was not enough to make it
13 that much of a -- to go out of their way to make
14 it that way, appropriate, I guess.
15 Q And this was in the communities outside of
16 Milwaukee, correct?
17 A Yes, yes, yes.
18 Q You can set Exhibit No. 41 to the side.
19 A I want to crack some jokes, but I'm on the record.
20 MR. EARLE: If you're going to do
21 it on the record, make sure they're funny.
22 Otherwise, there will be a record of you not
23 being funny.
24 Q I may as well show this to you. I'm going to hand
25 you a copy of a document that previously been

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1 marked as Exhibit 33A. This was marked in
2 Mr. Ottman's deposition. Unfortunately, we did
3 not have the foresight to mark specific page
4 numbers in this one either, but I'm going to do my
5 best to lead you to the page numbers I would like
6 you to look at.
7 A All right.
8 Q We'll do our best here?
9 A Oh, do I have two of them?
10 Q No, you should just have -- did I give you two?
11 A Yeah, you gave me two.
12 Q I'm sorry. So let's see how well we can do this.
13 I'm going to count, I think, from the back.
14 MR. EARLE: You're looking for the
15 e-mail from July 8th?
16 MR. POLAND: Yes.
17 Q I'm counting 25 pages back from the back.
18 MS. LAZAR: When you say 25, are
19 you doing double-sided?
20 MR. POLAND: I am doing -- no, just
21 single sheets, just counting pages, looking
22 through.
23 Q The first page is a gmail printout, from the back.
24 A I did go from the back.
25 Q Oh, you did.

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1 A 25.
2 MR. EARLE: Captioned *Alternative*
3 *Confitureation*.
4 MR. POLAND: Confitureation, yes,
5 ADs 8 and 9 look like this.
6 MS. LAZAR: Yours may be
7 single-spaced, Doug, and everyone else is
8 double.
9 MR. POLAND: Single-sided versus
10 double-sided?
11 MS. LAZAR: Yeah, single-sided.
12 THE WITNESS: So it's going to be
13 like this.
14 MR. POLAND: All right.
15 THE WITNESS: Trying to mess with
16 me.
17 Q Trying to keep it straight. All right. I'm going
18 to ask you to turn to -- well, actually, if you
19 look at the -- that very first page that we just
20 talked about, it says alternative confitureation
21 of ADs 8 and 9 at the top?
22 A Yes.
23 Q If you look at the second e-mail on that same
24 page, it appears to be a e-mail from Tad Ottman to
25 Scott Jensen dated Friday, July 8th; do you see

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1 that?
2 A Yes.
3 Q And there is a reference there to a shapefile of
4 the amendment of alternative configuration of two
5 districts?
6 A Yes.
7 Q Do you see that?
8 A Yes.
9 Q Did you ever have any discussions with anyone,
10 Mr. Jensen, Mr. Ottman, anyone connected with the
11 redistricting process about a shapefile?
12 A No.
13 Q Turn the page, and you'll see the next page, there
14 is that July 8th e-mail at 10:24 p.m.?
15 A Yes.
16 Q And that I think might have been an e-mail that we
17 saw in your printout?
18 A Yes.
19 Q All right, it is. And if you flip back another
20 three or four pages, you're going to see a
21 printout of a map. Mine is in color; yours is not
22 in color because it's a photocopy. And you'll see
23 it says Milwaukee County Hispanic voting age
24 population?
25 A Yes.

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1 Q That corresponds to one of the heat maps we were
2 looking in -- looking at in the production that
3 you brought with you today?
4 A Yes. Yes, I see it.
5 Q All right. And if you flip through the next
6 couple of pages, you'll see a number of printouts
7 of heat maps --
8 A Okay.
9 Q Right?
10 A Yep.
11 Q Madison, Racine?
12 A Yep.
13 Q Are those, to your understanding, are those the
14 same as the maps that were sent to you?
15 A I think so, yes.
16 Q The last question I wanted to ask you about if you
17 turn to that first page again that have the
18 confitureation language --
19 A Confitureation.
20 Q Confitureation language. I think I actually -- I
21 already asked you that question. Let me ask you
22 this, did you ever have any conversations with any
23 other lawyers at Michael Best & Friedrich other
24 than Ray Taffora about the state-wide
25 redistricting?

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1 A No.
2 Q Did you ever talk to Jim Troupis about the
3 state-wide redistricting?
4 A I don't think so. I don't even know who that is.
5 Q Name doesn't ring a bell?
6 A I mean, it does now, but not -- I don't know who
7 he is.
8 Q You didn't have any conversations with him back in
9 this June, July time frame?
10 A No, no, no, no.
11 Q You can set that document to the side. Let me go
12 back and just cover a couple of basic things here.
13 Mr. Rodriguez, do you -- do you have any degrees
14 that you've received from any educational
15 institutions --
16 A No.
17 Q -- you attended? Did you ever take any informal
18 classes or attend any seminars in redistricting?
19 A No. Well, after the fact.
20 Q There's the one, and that's fair.
21 A Yeah.
22 Q There's the one you mentioned where you and
23 Mr. Handrick were both in attendance?
24 A Yes, yes.
25 Q But that came after the redistricting Act 43 was

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1 passed?
 2 A Yes.
 3 Q Did you ever do any internships or externships or
 4 have any part-time positions that related to
 5 legislative redistricting?
 6 A No.
 7 Q One of the groups that's referred to in
 8 Exhibit 33A, which I showed you before, we can
 9 talk about it -- I can show you the document if
 10 you need to see it. There's a group called
 11 MALDEF. Have you heard of MALDEF?
 12 A Yes.
 13 Q And what is MALDEF?
 14 A They're a legal and defense fund for the Hispanics
 15 or Mexicans, I'm pretty sure.
 16 Q Did you have any communications with anyone at
 17 MALDEF about redistricting and the drawing in
 18 particular of Senate District 3?
 19 A No. I tried to get ahold of them for County, but
 20 never did.
 21 Q So didn't talk to them at all about --
 22 A About the State?
 23 Q About the State.
 24 A I do not recall.
 25 Q Before you came here today, did you have any

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1 conversations with anybody in preparation for your
 2 deposition?
 3 A No.
 4 Q Have you ever talked with anyone about whether you
 5 might be deposed in this lawsuit?
 6 A Yes.
 7 Q And who did you speak with about that?
 8 A I spoke with Joe Handrick. I spoke with Dan --
 9 THE WITNESS: That's not you, Dan,
 10 is it?
 11 MR. KELLY: Yes.
 12 A Oh, it is. I spoke with Dan, and then I'm pretty
 13 sure that's about it.
 14 Q You mentioned before you spoke with Mr. Earle as
 15 well?
 16 A Oh, yes, with Mr. Earle, yes.
 17 Q The conversation you had with Mr. Handrick about
 18 this deposition, you've already testified to
 19 today; is that correct?
 20 A Yes.
 21 Q What did you and Mr. Kelly discuss?
 22 A I just asked him basically what was going on.
 23 Should I meet with Peter on this. Is there
 24 something I need to know that I don't know about,
 25 and he said Absolutely not. He goes If you want

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1 me to be there, I can be there. Otherwise you can
 2 speak with him, or if you get deposed, it's not a
 3 big problem.
 4 Q Had you spoken with Mr. Kelly before you talked to
 5 him about the deposition?
 6 A No.
 7 Q How did you know to call Mr. Kelly?
 8 A I -- Joe Handrick, I believe, told me.
 9 Q Has anybody spoken with you about testifying at
 10 trial in this case?
 11 A No.
 12 Q So you've not been asked to testify at trial in
 13 this case?
 14 A No, I hope not.
 15 Q Have you ever seen a copy of the complaint that
 16 was filed in this case?
 17 A No.
 18 Q Were you ever asked to provide any input on any
 19 documents that were prepared in connection with
 20 this lawsuit?
 21 A No.
 22 Q Have you talked with anyone about the testimony
 23 that you submitted as part of the process of
 24 Act 43 being enacted?
 25 A Talked to who? I mean -- I'm sorry, repeat that?

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1 Q Sure.
 2 MR. POLAND: Can you read the
 3 question back.
 4 (Question read)
 5 A Yeah, a lot of people.
 6 Q Have you -- have you spoken with Mr. Handrick
 7 about that testimony?
 8 A Wait a minute, testimony? I'm sorry.
 9 Q You submitted a statement, correct, in support
 10 of --
 11 A Oh, yes, yes, yes, yes.
 12 Q I've been referring to that as testimony --
 13 A Did I speak with him about it specifically, I
 14 don't know. I'm sure he knows about it. I don't
 15 know if we actually said something about it, but
 16 it was probably -- he might have probably found
 17 out from other people if he didn't hear it from
 18 me.
 19 Q But in terms of speaking with him about it
 20 specifically, did you have any conversations with
 21 Mr. Handrick about that?
 22 A I have no -- I have no -- well, let me see.
 23 Before that, I would say no, because I really
 24 didn't speak with him until after the act, I'm
 25 sure.

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1 Q And what about Mr. Ottman, did you ever speak with
2 Mr. Ottman about the statement you prepared and
3 getting support of --
4 A No, no.
5 Q Have you ever spoken with Adam Foltz before?
6 A I don't believe so.
7 Q Did you ever meet with anyone about redistricting
8 in the offices of Michael Best & Friedrich?
9 A No.
10 Q I'm going to run through a number of names, and
11 just ask you if you spoke with them about
12 redistricting. Eric McLeod, did you ever speak
13 with --
14 A No.
15 Q -- Eric? What about Scott Screnock?
16 A No.
17 Q Sarah Troupis?
18 A No.
19 Q Speaker Jeff Fitzgerald?
20 A No.
21 Q Senator Scott Fitzgerald?
22 A No.
23 Q Representative Robin Vos?
24 A No.
25 Q Senator Zipperer?

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1 A Yes.
2 Q How many times did you speak with
3 Senator Zipperer?
4 A I spoke with him once on the Senate Bill 150 and
5 then about the procedure for the next day the day
6 before. So just once, I believe, as it pertains
7 to this. I'm pretty sure it was just once.
8 Q And that had to do with what you referred to as
9 process or procedure --
10 A Yes, for the next day's committee meeting, yes,
11 yeah.
12 Q Any other conversations with Senator Zipperer
13 about redistricting?
14 A No, no.
15 Q Representative Scott Suder?
16 A No.
17 Q And then I think I had already asked you about
18 Professor Gaddie, who is one of the experts?
19 A Right, no. Let me just respond real quick on --
20 add a little bit to Zipperer just so I can put
21 this on record. I actually told him the night
22 before that I was going to say that there was
23 little time in the process, and his response to me
24 was *Do whatever you need to do. It's totally*
25 *appropriate.* And that's exactly what happened.

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1 Q When you say there was little time, what did you
2 mean by that?
3 A Well, there was only a four or five-day process of
4 being able to look at the maps.
5 Q And did you feel -- you told him you didn't think
6 that was adequate, or -- I don't want to put words
7 in your mouth.
8 A I said it was very difficult to do any kind of
9 education, or you know, to get it out to the
10 community even in my small group.
11 Q Are there people that you would have liked to have
12 given a copy of the maps and asked them for their
13 input?
14 A Oh, sure. But yeah, sure, yeah.
15 Q You weren't able to get that input because of the
16 short time frame?
17 A Right. Yeah, so in my testimony, I'm pretty sure
18 it states that even though there was short time,
19 though, I believe that the maximum was done. It
20 was very -- very -- meticulously done in a way
21 that gave the Hispanic community the best proper
22 representation they could have gotten.
23 Q Have you ever -- have you talked with anybody
24 since that time who might have showed you any
25 analysis, given you any information that would

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1 have caused you to believe that the districts
2 could have been drawn in a way that would have
3 even further enhanced Latino representation?
4 A Yes, Peter Earle.
5 Q And when did you speak with Mr. Earle about that?
6 A A week ago, week and a half ago.
7 MR. EARLE: I can't testify.
8 THE WITNESS: I know. Told you,
9 I'm just looking at you.
10 A Yeah, probably a week and a half ago or something
11 like that.
12 Q And did you look at anything? Did you see
13 anything?
14 A Shortly, yes. For a short period of a few
15 seconds, I just looked at what he had, and what it
16 was -- and it was more conversational about this
17 is what we could have, this is what's going on
18 with the Hispanic citizen voting age and such.
19 And so yeah, I understood what he was getting at.
20 Q Okay. And did you make any kind of an assessment
21 that the information that Mr. Earle was providing
22 to you?
23 A Yes, I did. Number one, I said *I'd like to see*
24 *the whole story.* The problem with the whole
25 situation was that during the earlier

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1 redistricting processes of both the County and
 2 the City, both myself and representatives of
 3 Voces de la Frontera have used the exact same
 4 information, the Hispanic voting age population,
 5 without consideration to citizenship. So I told
 6 him that I believed that the -- that this
 7 technicality that they're bringing forward is
 8 something that I'm not yet convinced of, but it
 9 could be true. My major concern was, you know,
 10 what was the motivation, why didn't we do that for
 11 the City and such. So I'm holding judgment on
 12 whether or not that information is indeed,
 13 correct. I'm not going to say it's not when it
 14 might be. I have yet to really get into it. And
 15 didn't know if he could give it to me, and like I
 16 said, Joe didn't know if he could give it to me.
 17 So as far as looking at what they actually had to
 18 say, the specific details of their analysis.
 19 Because I did some -- after I heard about the
 20 lawsuit, I did some research, and I --
 21 MR. POLAND: Yeah, I hate to cut
 22 you off here, but I know we're going to lose
 23 the tape in a minute. We'll come right back
 24 to your point, though, as soon as we change
 25 the tape.

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1 THE VIDEOGRAPHER: The time is
 2 11:28. We are going off the record
 3 concluding Disk No. 1 of the deposition of
 4 Jesus Rodriguez.
 5 (Recess taken)
 6 THE VIDEOGRAPHER: We are on the
 7 record. This marks the beginning of Disk
 8 No. 2 in the deposition of Jesus Rodriguez.
 9 The time is 11:34 a.m.
 10 Q Mr. Rodriguez, just before we broke to change the
 11 tape, I was asking you some questions about
 12 interaction, discussion you had with Mr. Earle to
 13 ask whether there might be some way of enhancing
 14 Latino representation in Assembly Districts 8
 15 and 9 that was different than what was included
 16 within Act 43; you recall our conversation?
 17 A Sure.
 18 Q And you mentioned that Mr. Earle had given you
 19 some information?
 20 A Yes.
 21 Q And just -- I know it's going to be a little
 22 repetitive, but to get us back on track here,
 23 could you describe that for me again?
 24 A Mr. Earle had given me, mostly through
 25 conversation and a little bit of documentation,

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1 the difference between the Hispanic voting --
 2 citizen voting age population just versus the
 3 regular Hispanic voting age population, and said
 4 that, you know, what we did the 60, 54 with the
 5 redistricting with Amendment 2 would have reduced
 6 the District 8 too low to be a fair representation
 7 for the community. And at the time, I said that
 8 I'm not saying that it's not true, but at the same
 9 time, I'm, you know -- I'm not exactly sure that's
 10 the truth based on growth, based on, you know, the
 11 way that the criteria is done to get to that point
 12 with the -- there's certain algorithms and ways
 13 that they come to the citizen voting population.
 14 And I said I'm not sold on it yet until I see both
 15 sides of the story basically.
 16 Q And so you haven't seen the side of the story that
 17 Mr. Earle was presenting --
 18 A No, I have not.
 19 Q So it's possible --
 20 A No, I've seen his side. I mean, he basically gave
 21 me a gist of his side. I'm saying I didn't -- I
 22 haven't seen the other side from the defense,
 23 their reaction to it.
 24 Q I see. The information that Mr. Earle gave you is
 25 information you did not have available to you last

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1 summer, correct, when you were --
 2 A Right, exactly.
 3 Q So at the time that you submitted your statement
 4 in support of Act 43, you didn't have in front of
 5 you the information that Mr. Earle had given you?
 6 A Yes, because we had been using the same -- the
 7 same information on all levels of the Milwaukee
 8 area up until that point including the County and
 9 the City.
 10 Q Now, if the information that Mr. Earle had given
 11 to you had been available to you last July, and
 12 I'm asking you a hypothetical here, is it possible
 13 that your view of Act 43 could have been
 14 different?
 15 A Yes, it could have.
 16 Q One second here. I'm going to take a look at my
 17 notes.
 18 MR. POLAND: I don't have any other
 19 questions at this time.
 20
 21 EXAMINATION
 22 By Mr. Earle:
 23 Q I have just a few.
 24 A Okay.
 25 Q I'm going to jump around a little bit. Just kind

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1 of -- I jotted some notes down as you were
2 answering some questions earlier. So let's start
3 with the most recent, the conversation you and I
4 had recently, very recently at Elsa's Restaurant,
5 correct?
6 A Yes.
7 Q And I showed you a report that analyzed the
8 citizen voting age population of the new district
9 as adopted in Act 43?
10 A Yes.
11 Q And I informed you that that report was issued by
12 a man by the name of Peter Morrison, didn't I?
13 A Probably.
14 Q Okay. And we talked about that it brought the
15 percentage of citizen voting age population in the
16 8th Assembly District down near 40 percent?
17 A Yes.
18 Q Is that correct?
19 A Yes, you did.
20 Q And you had not seen information like that before?
21 A No.
22 Q And I guess I want to understand a little bit.
23 We've spoken, you and I --
24 A Uh-huh.
25 Q -- in the past about your commitment to effective

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1 political participation, electoral participation
2 by the Latino community, correct?
3 A Yes.
4 Q You agree that this is something that you are
5 personally committed to advancing?
6 A Yes, sir.
7 Q So is it fair to say that your objective would be
8 that the Latino community, where possible, have an
9 effective voter eligible majority?
10 A Yes.
11 Q And if information -- and if -- well, strike that.
12 So in the process of developing a proposed map,
13 you would want to use the best information
14 available to you, correct?
15 A Of course.
16 Q Now, in your interactions with Mr. Ottman,
17 Mr. Handrick, Mr. Taffora, Mr. Jensen, and your
18 consideration of the alternatives for the
19 legislative map, you were really looking at
20 Districts 8 and 9, correct?
21 A Yes, and 7.
22 Q And you understood that the legislature was open
23 to considering alternate ways of configuring 8
24 and 9 as long as it stayed within the boundaries,
25 so other districts weren't affected; is that

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1 correct?
2 A And 7, yes.
3 Q And 7. So you understood that you didn't -- that
4 you could recommend a map for 8 and 9 where
5 the 8th and the 9th Assembly Districts were
6 parallel to each other, north-south, correct?
7 A Yes, yes.
8 Q And you also had the option of drawing the 8th
9 and 9th where the 8th was north of the 9th, and
10 they were horizontal to each other, correct?
11 A Yes, yes.
12 Q And you made an effort to understand as best you
13 could with the statistics provided to you by
14 Mr. Ottman, which of those configurations would be
15 best for the Latino community, correct?
16 A Yes.
17 Q So in other words, you were operating within the
18 parameters defined by the outside boundaries of
19 the 8th and 9th in an effort to maximize Latino
20 concentration to the best -- to the benefit of the
21 community within those boundaries?
22 A Yes, because outside of those boundaries, it would
23 not have been effective then.
24 Q And you also understood that the folks who you
25 were talking to in the legislature didn't want to

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1 have a ripple effect that then would have to be
2 adjusted elsewhere, correct?
3 A I would assume that.
4 Q But you knew that, right?
5 A Well, it didn't matter because to me what only
6 mattered was that the Hispanics was concentrated
7 in the fact that would give us best political
8 power, and within the lines that they had drawn,
9 that was the only way it could be done. With --
10 you start going outside of those parameters, and
11 it became less and less effective. So I mean, it
12 really didn't matter to me.
13 Q I understand that it didn't matter to you, but you
14 also understood as far as they were concerned,
15 they didn't want to go there, correct? When I say
16 go there, meaning they did not want to consider
17 boundaries around the outside of the 8th and 9 as
18 drawn because of the ripple effect it would have
19 in other districts?
20 A In the city of Milwaukee, that was not something
21 that we talked about. When we talked about that,
22 to a certain degree, it was for the other, like
23 Madison and Waukesha and such when we talk about
24 the ripple effect. The Milwaukee, it was never
25 even talked about. Like I said, I assumed that

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1 would have been an issue, but we never talked
 2 about that. From my understanding, in
 3 Milwaukee -- the Milwaukee, the District 3, that
 4 was only concerning Racine and Waukesha and
 5 Madison, that they said in order to do it --
 6 because one of them is split down the middle, and
 7 then they talked -- they kind of use that
 8 language.
 9 Q Did you ever talk to Governor Walker?
 10 A Of course.
 11 Q About redistricting?
 12 A No.
 13 Q How about Latino representation?
 14 A Sent him that.
 15 Q You sent him that; what --
 16 A I'm sorry, I sent him the original -- the original
 17 one when it was during County -- well, isn't it
 18 addressed to you on my statement, isn't he
 19 addressed to. One of them I addressed it to him.
 20 It was addressed to everybody. I'm saying it was
 21 an open thing, so personally, no.
 22 MR. POLAND: Clarification,
 23 Mr. Rodriguez, are you talking about the
 24 statement you submitted in support of Act 43?
 25 THE WITNESS: Yes, and also for the
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1 statement about -- a general statement, the
 2 original one from the Hispanics for
 3 Leadership that talked about Hispanics
 4 needing to get the proper representation on
 5 all levels.
 6 MR. POLAND: Okay. Thank you for
 7 that clarification.
 8 Q And I want to understand a little bit more about
 9 something else. I'm going to jump to a different
 10 topic. Act 150, you've referred to that several
 11 times?
 12 A Yes.
 13 Q And you've spoke with Representative Zipperer
 14 about that?
 15 A Yes.
 16 Q We know each other pretty well, and so we
 17 naturally lapse into conversational tones here,
 18 and we're kind of talking over each other a little
 19 bit. So for the sake of the court reporter, let's
 20 concentrate on taking turns, okay?
 21 A Yes.
 22 Q All right. For the record, would you explain what
 23 Act 150 is?
 24 A I don't know everything. The reason I was
 25 concerned with it was because I had heard that
 122

1 because of that, it could have affected what we
 2 were trying to do in changing the preliminary map
 3 that had been accepted and already voted, passed
 4 by the committee on the County level, that we
 5 wouldn't be able to change it. And so I guess
 6 they -- they did an amendment that made it
 7 possible, and he basically clarified that to me
 8 saying that *No, the cities and the municipalities*
 9 *can change whatever they want. They might just*
 10 *have to have like a ward 52B and a 52A versus just*
 11 *having just one ward.* But he said it was still
 12 possible to change a preliminary map even with
 13 that. That's the best understanding that I have.
 14 Q Who initiated the conversation between you and
 15 Representative Zipperer about Act 150?
 16 A I did.
 17 Q And how did you know to call him?
 18 A I don't know who I spoke to. It might have been
 19 Scott Jensen. I asked him -- I asked him if he
 20 knew anything about that act and if it would have
 21 any effect or whatever. And he said *Well, I*
 22 *wouldn't. Why don't you call him straight and ask*
 23 *him.* I'm pretty sure that's what happened.
 24 Q And just so the record is clear, if I understand
 25 your testimony, your concern that the accelerated
 123

1 redistricting timetable adopted by the legislature
 2 would result in ward lines that had been
 3 previously drawn and redistricting efforts at the
 4 local level being disrupted; is that correct?
 5 A No. That's not what I was concerned with. I was
 6 concerned with in the language, it made it sound
 7 like once a map -- I believe, if I remember
 8 correctly, that once a preliminary map had been
 9 passed, they could not -- they couldn't change it,
 10 which that's what we were having to do in order to
 11 get the 2nd District in the County level. I
 12 believe that's what it was about. I know it
 13 wasn't for that reason. I may have misunderstood.
 14 But that was the reason I was concerned with it.
 15 Q At the beginning of the deposition, you
 16 talked about a very recent conversation with
 17 Joe Handrick?
 18 A Yes.
 19 Q Could you try and nail that down as to when that
 20 was?
 21 A Right after I spoke with you about -- within -- I
 22 don't know if it was right away or the next day.
 23 It was either that day or the next day. That was
 24 during my family party, thanks. After you had
 25 told me that you were in the middle of the -- I
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1 believe, Mr. Ottman's deposition.
 2 Q Okay. Did you -- did you -- oh, this was after we
 3 had a telephone conversation?
 4 A After you and I, yes.
 5 Q Okay. And then was one of the reasons that you
 6 spoke with Mr. Handrick was you wanted to
 7 understand what the importance of citizen voting
 8 age population was?
 9 A No.
 10 Q No?
 11 A No, not at all. No, it was because I wanted to
 12 hear both sides before I started knowing what
 13 direction I wanted to go in. I do that every
 14 time. I talk to people like yourself. I talk to
 15 people on the other side to see what's really
 16 going on.
 17 Q Both sides of what?
 18 A The aisle, so to speak, Liberals, Conservatives,
 19 Republicans, Democrats, whatever.
 20 Q Okay. In the context of what issue?
 21 A In this particular case?
 22 Q Yeah.
 23 A On the lawsuit, the redistricting, the deposition,
 24 me being deposed potentially, and such as that.
 25 Does that make sense or no?

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1 Q Well, I guess I don't understand the essence of
 2 the conversation, so maybe --
 3 A You were asking me questions over the phone about
 4 what -- about clarifications on e-mails, and this
 5 is the first time I -- you called me at a time
 6 while I was at a family gathering, and then you
 7 started asking me questions that I wasn't prepared
 8 to answer because I didn't want -- I didn't know
 9 what was going on. So I called him to see if he
 10 kind of knew what was going on. I mean, you told
 11 me what was going on, but I wanted to hear
 12 somebody else also tell me what was going on so
 13 that I can then make the proper decision on how I
 14 wanted to go forward with answering any questions.
 15 Q Now, as precisely as possible, tell me what
 16 Mr. Handrick told you.
 17 A He said everything was fine. To do whatever I
 18 want. That there was no issue. I mean, every
 19 time I talked -- when I spoke with Jim, when I've
 20 talked with Joe, that's exactly what they said.
 21 He said he couldn't tell me anything about his
 22 thing because he doesn't know where he stands
 23 legally. He doesn't want to say anything about
 24 what was up with him. But he says *As far as I am*
 25 *concerned, you can say whatever you want. He goes*

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1 *But you might want to call Dan to see if you want*
 2 *him to be there with you, and I said No. I just*
 3 *want -- I don't need any one side to represent me.*
 4 *I just wanted to hear both sides real quick before*
 5 *I decided to come forward and answer the questions*
 6 *in that particular case. Does that make sense?*
 7 Q I guess. So Mr. Handrick suggested you call
 8 Dan Kelly?
 9 A Yes.
 10 Q And told you that he did not want to describe to
 11 you what his understanding of what was?
 12 A Well, he didn't want to talk at the time about
 13 anything really. I wanted to know the legalities
 14 of what was going on, you know, this and that, and
 15 he said *I really can't -- I really don't want to*
 16 *talk about anything right now because I'm still in*
 17 *the middle of everything too. Why don't you talk*
 18 *with these gentlemen, and that's exactly what*
 19 *happened.*
 20 Q I'm just about done. In answering some questions
 21 earlier about where you listed individuals that
 22 you had spoken to before the hearing in Madison --
 23 A Uh-huh.
 24 Q -- you had identified Greg Montoto?
 25 A Uh-huh.

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1 Q And Victor Huyke?
 2 A Uh-huh.
 3 Q And then you mentioned but didn't identify fully
 4 Hector?
 5 A Hector Colón?
 6 Q That's what I'm asking. I mean, just so the
 7 record is complete. You used -- you mentioned a
 8 Hector in answering the question?
 9 A I don't think I said Hector.
 10 Q No? I wrote down Hector at one point in your --
 11 A Uh-uh, no.
 12 Q No, you don't recall?
 13 A At the time, Hector Colón was working for HBGM,
 14 and they didn't sign. They didn't want anything
 15 to do with it.
 16 Q Okay. So any reference in the record in your
 17 prior testimony here today would have been in
 18 error or --
 19 A I thought I said Victor. You might have misheard.
 20 Victor. You could be right, but we've got it on
 21 record.
 22 Q Okay. We've got it clarified.
 23 MR. EARLE: I -- hold on one
 24 second. I have no further questions. Thank
 25 you.

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VIDEOTAPE DEPOSITION OF JESUS "ZEUS" J. RODRIGUEZ 1/11/2012

1 THE WITNESS: Thank you.
 2 MR. KELLY: Shall we take a break?
 3 THE VIDEOGRAPHER: The time is
 4 11:51. We are going off the record.
 5 (Recess taken)
 6 THE VIDEOGRAPHER: The time is
 7 12:02. We are back on the record.
 8
 9 EXAMINATION
 10 By Mr. Kelly:
 11 Q Good afternoon, Mr. Rodriguez.
 12 A Good afternoon.
 13 Q Thank you for your time here this afternoon. I'd
 14 like to pick up in our questions with where you
 15 left off with Mr. Earle, and that is his
 16 conversation with you. When you discussed
 17 Assembly District 8, did you also discuss
 18 Assembly District 9?
 19 A By default, yes.
 20 Q And he mentioned that he had showed you some
 21 Latino citizen voting age population numbers for
 22 Assembly District 8?
 23 A Yes.
 24 Q Did he show you the same kind of numbers for
 25 Assembly District 9?

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1 A I looked at just the actual statistics real quick.
 2 I assumed it was in there too. I can't say for
 3 sure yes or no honestly only because I looked at
 4 them just for a couple of seconds.
 5 Q Did you -- did he bring the Latino citizen voting
 6 age population numbers for Assembly District 9 to
 7 your attention? Did he point those out in
 8 particular?
 9 A I don't know because I know we focused on 8
 10 because that was -- you know, that's the one that
 11 we focused on. Could he have -- could I have
 12 looked at the information longer, yes, I could
 13 have. But no, I don't recall us really going
 14 over 9 as much as -- and if we did, it was very
 15 minimal compared to 8.
 16 Q Did he -- did he tell you that -- that there is a
 17 way of increasing the Latino citizen voting age
 18 population numbers in Assembly District 8 over
 19 what the legislature accomplished in Act 43?
 20 A Yes, yes.
 21 Q Did he say how that would affect the Latino
 22 citizen voting age population in Assembly
 23 District 9?
 24 A Not really. I mean, by default, I assume that he
 25 didn't have to say that. I mean, we're both

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1 pretty knowledgeable of the situation. That's
 2 exactly what would have to happen. If you take
 3 from one, it's going to take from the other.
 4 Q So your assumption would be that by increasing the
 5 citizen voting age population in Latino
 6 communities, in 8, it would have decreased into 9?
 7 A Yes.
 8 Q Did that give you any concern?
 9 A Yes.
 10 Q What was your concern?
 11 A My concern was that in District 8, as I said
 12 earlier, in the last election -- I'm very familiar
 13 with the District. I've been working there, you
 14 know, through advocacy over the last couple years,
 15 but have been there almost every day for the last
 16 five months. And in the last election cycle, four
 17 Latinos, from what I understand, are the only ones
 18 that ran for that district, the Assembly District.
 19 So I didn't really see it as something that would
 20 be in harm's way as of not having the person that
 21 the Hispanic community properly wanted to have
 22 represent them in that community regardless of
 23 their citizenship or not. In our community, you
 24 know, while citizenship is important for voting,
 25 our community is also very concerned about those

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1 who don't have the right vote but still live in
 2 our community. So we didn't see any issue with
 3 that. And we saw -- I saw with taking away from 9
 4 because we wanted to have two districts that we
 5 could have more political representation and have
 6 more of an influence; 9 was -- had, even though --
 7 I'll say it on the record. I understand that
 8 Representative Zepnik has always been very good at
 9 representing his portion of the Latino community,
 10 his district. Technically, he's not Latino. I
 11 mean, I don't really care. That's not really my
 12 concern. He doesn't have to be necessarily be a
 13 Latino, just as long as they're taking into
 14 consideration the -- the needs of the Hispanic
 15 community. So I figured by having, you know,
 16 locked up 8, even with the reduction that he's
 17 saying, I still think it's locked up. Number 9
 18 would be better off, and we would have two
 19 Assembly seats with more power than just one, so
 20 that's basically the summary of that.
 21 Q When you say locked up, are you referring to the
 22 Latino communities ability to elect the candidate
 23 of their choice?
 24 A Yes.
 25 Q Is it your primary concern to -- that the Latino

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1 community would be able to elect the candidate of
2 their choice, or is your primary concern hitting a
3 particular Latino citizen voting age population
4 percentage; which one is more important to you?
5 A The first one. The first one would be more
6 important to me, having the most political
7 representation and ability to have who they want
8 in more than one district.
9 Q So you would be comfortable with the lower
10 citizen -- a lower Latino citizen voting age
11 population, so as long as the Latino community was
12 still able to elect a candidate of their choice?
13 A Yes, and I might -- I might think different if our
14 community was a static community. But because of
15 our growth, I know Mr. Earle had showed me the
16 projections that these gentlemen had on the
17 current legislative map how it would take until
18 this time to get an effective voting age citizen
19 population, but I don't -- that's -- I don't see
20 that being the issue personally.
21 Q Who currently represents Assembly District 8?
22 A Representative JoCasta Zamarripa.
23 Q How long has she represented that district?
24 A Two years.
25 Q Who represented the district before her?

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1 A Pedro Colón.
2 Q And is Pedro Colón a Latino?
3 A Yes, he is.
4 Q How long did he represent that district?
5 A I think it was 10 years. I've only been here 14,
6 so I think it was around 10 years, decade,
7 something like that.
8 Q So would it be appropriate to say that -- how do
9 you pronounce JoCasta's last name?
10 A Zamarripa.
11 Q Would it be safe to say that she is the Latino
12 community's candidate of choice?
13 A Yes.
14 Q Would it be fair to say that Pedro Colón prior to
15 her was the Latino community's candidate of
16 choice?
17 A Absolutely.
18 Q So for the past 10 to 12 years, Assembly
19 District 8 has been electing the Latino
20 community's candidate of choice?
21 A Yes.
22 Q Did Mr. Earle show you the Latino citizen voting
23 age population numbers for Assembly District 8 as
24 it existed prior to the -- this year's
25 legislation?

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1 A Yes, yes.
2 Q Was it higher or lower than the Latino citizen
3 voting age population in current Assembly
4 District 8?
5 A I think it was higher.
6 Q It was higher in the old district?
7 A It was higher in the old district, I think. I
8 said I just looked at it for a second.
9 Q Sure. Do you know how he arrived at the Latino
10 citizen voting age population for District 8?
11 A There was an expert that they had used. And
12 that's what I had said; I'd need to look at it
13 more closely because I've read up previously on
14 how they come to those numbers, and there are some
15 downfalls in that type of calculation, you know.
16 So that's why I said I want to see how they came
17 to that conclusion.
18 Q Do you know who the expert would have been that
19 derived that number?
20 A Gaddie, was it Gaddie or whoever from Madison,
21 somebody. I can't recall the name.
22 Q Would it be mayor; would that refresh your
23 recollection?
24 A Yeah, I think so. I'm not -- I'm not sure.
25 Q That's fine.

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1 A Yeah, but I know it was a real person involved and
2 such, I know that.
3 Q Did -- did Mr. Earle show you the, not the Latino
4 citizen voting age population, but just the Latino
5 voting age population in Assembly District 8
6 and 9?
7 A I'm sorry, can you repeat that?
8 Q Certainly can. I think I got some words wrong.
9 Did Mr. Earle show you, not the Latino citizen
10 voting age population, but just the Latino voting
11 age population for Assembly District 8 and 9?
12 A Did he show me at this time? I don't think so,
13 but we already knew it, so --
14 Q Do you know if the Latino voting age population in
15 current Assembly District 8 is greater or lesser
16 than old Assembly District 8?
17 A It is -- the current -- the regular Hispanic
18 voting age population?
19 Q Yes.
20 A It's slightly lower than the previous one, from
21 what I understand, I think. It depends on when
22 you're wanting to see -- I think it depends on the
23 numbers from 2000 or the numbers from 2010 as
24 they're currently lined out.
25 Q Okay. Let's take a look -- can you take a look at

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1 Exhibit 38, and we'll go to the last page. I
2 think it's labeled page 21.
3 A All right.
4 Q And what I'd like you to do is take a look at
5 the -- it's labeled Hispanic voting age population
6 under this -- call them current law, can you
7 compare that to Amendment 1?
8 A Amendment 1, yes, I can see that.
9 Q So how do those numbers compare for Assembly
10 District 8?
11 A Well, those are close, but that's not the final
12 amendment.
13 Q What was the final amendment?
14 A The final amendment was 60.5, so it would be a
15 five percent difference.
16 Q And the final numbers for Assembly District 9?
17 A Would be 54.043 or something like that, so 54.
18 Q And how did that compare to the total voting age
19 Hispanic population under the old Assembly
20 District 9?
21 A Eight points higher.
22 Q Was it important to you that the Latino voting age
23 population would increase in Assembly District 9
24 over old Assembly District 9?
25 A Yes, absolutely.

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1 Q Why is that?
2 A Because we felt the numbers warranted it.
3 Q And what do you mean by *the numbers warranted it*?
4 A Because we had enough growth there to take some
5 from the 8th and put it into the 9th and still
6 keep both, not only the new 9th but the new 8th,
7 growing with our growing community to get back to
8 that 65 percent within a couple years easy.
9 Q So your testimony is that given the census data
10 from 2010, it would take only a couple of years to
11 get back to 65 percent Latino voting age
12 population --
13 A Yes.
14 Q -- for Assembly District 8?
15 A Yes.
16 MR. EARLE: I'm going to object to
17 the form of that question.
18 MR. POLAND: I join the objection.
19 MR. EARLE: If you pause a moment
20 before you answer the questions.
21 Occasionally, I'm going to object to the form
22 of the question. That's a legal thing for
23 the lawyers to argue about later, you know.
24 You get to answer the question after I do
25 that.

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1 THE WITNESS: Okay.
2 MR. EARLE: But you know, if you
3 give me a moment -- give me the opportunity.
4 THE WITNESS: Sure.
5 MR. KELLY: We can always say that
6 it applies back.
7 MR. POLAND: Before he answers the
8 question, could I have it read back.
9 (Question read)
10 MR. POLAND: With the objections
11 from myself.
12 Q Mr. Rodriguez, you understand that the numbers
13 that appear on page 21, those are based on the
14 2010 census?
15 A Yes.
16 Q So that's the population as of 2010?
17 A Yes.
18 Q The next opportunity to have a regular election
19 for an Assembly bill would be 2012; is that right?
20 A Yes.
21 Q So based on what you said before, your
22 understanding is that it's likely that the Latino
23 voting age population in Assembly District 8, by
24 the next time they have an opportunity to vote for
25 an Assemblyman will be back up around the 65

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1 percent?
2 A Well, I don't know if it's going to be that high,
3 but it will be close, I think. I think it's
4 probably already -- and this is just based on the
5 previous growth of the last 10 years. My wife is
6 a Ph.D. candidate, and we did some fancy numbers
7 and did this statistical analysis based on from
8 2000 to 2010. No, I don't have anything to prove
9 that. But we did look at it and the rate growth
10 in those areas would show that it would be at
11 least 62, 63 percent already just after a couple
12 of years, from our opinion, from what we looked
13 at.
14 Q Sure. And are you comfortable that in Assembly
15 District 8 with those numbers, that the Latino
16 community will be able to elect a candidate of
17 their choice?
18 A Absolutely.
19 MR. EARLE: Object to the form of
20 the question.
21 THE WITNESS: Sorry. Now, you're
22 making me pause even more than I had to
23 already.
24 Q As you have looked at the Latino population in
25 Assembly District 9, is it your impression that

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1 the Latino community will continue to grow in that
2 district?
3 A Yes.
4 Q Do you believe that it is in the Latino
5 community's best interest that there be an
6 opportunity for them to elect a second candidate
7 of their choice by increasing the Latino -- the
8 Latino voting age population in Assembly
9 District 9?
10 MR. EARLE: Form.
11 Q You can answer.
12 A Yes.
13 Q Mr. Rodriguez, as I think you probably know,
14 Voces de la Frontera is a plaintiff in this case,
15 yes?
16 A Yes.
17 Q Do you know why they're a plaintiff in this case?
18 A Yes.
19 Q Why are they?
20 A From what I understand, they feel like the -- how
21 the maps have been redrawn disenfranchise Latinos
22 in the 8th District.
23 Q Do you agree with Voces de la Frontera on that
24 point?
25 A No.

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1 Q Why not?
2 A For the -- for the criteria that I had mentioned
3 before. Number one, we're growing fast. Number
4 two, pretty much from the example of the last
5 election cycle, we're only going to have Hispanics
6 running for the Assembly District in that
7 neighborhood. And again, I mean, those are the
8 two main criteria. So I think it was more
9 important to not over stack. If we were to put 70
10 percent VAP right now, even if that were to make a
11 majority, by time 2020 were to come or 2018, in
12 that election cycle, we'd be at 70 -- I'm just
13 guessing here, but we'd be 80 percent area. And I
14 don't think that's good looking at a growing
15 population in those two districts. I was trying
16 to even it out, really looking at the 10-year
17 process. Not just for this first election cycle,
18 but for the next couple after that also.
19 Q Do you know of any reason why Voces de la Frontera
20 would want an even higher percentage of Latino
21 voting age population in Assembly District 8?
22 MR. EARLE: Object to the form of
23 the question.
24 A It's hard to say. I mean, I don't know anything
25 for sure why they would want to do that except for

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1 to make sure that they -- the candidates of
2 Hispanic population gets chosen there. I just
3 don't agree with it. I'm being fair. I'm not
4 going to speculate. I have my own ideas and
5 thoughts, but I'm not going to go there. I mean,
6 I'm going to give them the benefit of the doubt
7 and say they think that's the best way to go.
8 Q Does Voces de la Frontera speak on behalf of the
9 entire Latino community?
10 A Of course not.
11 Q On whose behalf do they speak?
12 A I think they have about 2,000 -- two to 3,000
13 people across the state that I've heard the
14 executive director talk about that they represent.
15 I would say the same thing. As little as my
16 little, tiny group was, they weren't totally
17 schooled on everything that we did. But I would
18 say it's the same kind of representation, if not
19 more loose. Out of the two to 3,000 people, how
20 many of them know the exact stuff. They're going
21 basically on the leadership -- of the leadership
22 of Voces on what to do. And so I don't disagree
23 with that at all. I think that's okay. But I
24 think that's the same avenue that we took with
25 Hispanics for Leadership, even though we're much

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1 smaller. The people looked at it the same way.
2 Q Are you familiar with an organization that goes by
3 the acronym MALDEF?
4 A Yes.
5 Q What is it?
6 A Mexican something legal defense fund, or something
7 like that.
8 Q Okay. Fair enough.
9 A I'm very -- I mean, I'm familiar with them. I
10 just can't remember what the acronym is.
11 Q Have you -- have you spoken with anyone from
12 MALDEF about the redistricting maps?
13 A No.
14 MR. EARLE: Can we take a break
15 while you pause?
16 MR. KELLY: Sure.
17 THE VIDEOGRAPHER: The time is
18 12:20. We're going off the record.
19 (Recess taken)
20 THE VIDEOGRAPHER: The time is
21 12:21. We are back on the record.
22 Q Mr. Rodriguez, I suspect I know the answer to the
23 next series of questions, but I just want to make
24 sure that I'm not assuming things I ought not to.
25 Do all Latinos have the same political beliefs?

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1 A No.

2 Q Do they all have the same economic interests?

3 A No.

4 Q Do you know if Voces has any political leans? Do

5 they favor Democrats over Republicans, Liberals

6 over Conservatives, vice versa?

7 A Yes.

8 Q And what would that be?

9 A Democrat. To be fair, Latinos do lean democrat,

10 but not 99 percent, as it seems. Voces is more

11 like 65/35.

12 Q Based on that, would you consider that Voces is

13 a -- politically-speaking, is representative of

14 the Latino community?

15 A A portion, yes.

16 Q But not all?

17 A No, not even close.

18 Q Political beliefs, as you've described them, the

19 political leanings of Voces, the percentage of

20 their membership would not mirror of the

21 percentage Latino community as a whole?

22 MR. EARLE: Form of the question.

23 A That's a tough one to answer only because like I

24 said before, a lot of people, I believe, and this

25 is just my personal opinion, who are members of

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1 nonacting, real active members of Voces have

2 different political leanings because they agree

3 with -- just like myself, I agree with Voces on

4 certain things. So it's kind of hard to say what

5 the actual membership, who's technically

6 considered a member out of the two to 3,000

7 people. But from my opinion, as far as the

8 leadership and which direction they go from the

9 top, they do not represent the majority of -- I

10 shouldn't say they do represent the majority, but

11 not all by any means, if that made sense.

12 Q It makes sense to me.

13 MR. EARLE: I won't say anything.

14 (Exhibit Nos. 1001 and 1002 marked for

15 identification)

16 Q Mr. Rodriguez, I'm going to hand you what has been

17 marked Exhibit 1001.

18 MR. POLAND: Did you already have

19 this marked as an exhibit? Oh, no, it's the

20 original.

21 Q Mr. Rodriguez, have you ever seen what has been

22 marked as Exhibit 1001?

23 A No.

24 Q I'll represent to you that this is the original

25 complaint for declaratory and injunctive relief of

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1 Voces de la Frontera. I'd like you to take a look

2 with me at paragraph 24, if you could. Take a

3 moment to review that paragraph.

4 A Okay.

5 Q Let me know when you're done.

6 A Okay.

7 Q Do you agree that over the course of the last

8 decade, the non-Latino, Caucasian voters have

9 voted in a way that defeated the preferred

10 candidates of the Latino voters in Assembly

11 District 8?

12 MR. EARLE: I'm going to object to

13 the form of the question. You omitted --

14 you're omitting the language in the absence

15 of special circumstances.

16 MR. KELLY: Correct.

17 MR. POLAND: I'm going to object to

18 the form. I'm also going to object on a

19 foundation basis.

20 A Do I believe that they vote as a block against

21 because that's what he was projecting to, against

22 who the Latinos would want in there?

23 Q More particularly, let me back up, and we'll do it

24 again, and I'll be concentrating in particular on

25 the last clause of that paragraph. It says to

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1 defeat the preferred candidates of Latino voters.

2 Lets me preface my question a little bit so we can

3 understand where I'm going when I ask the actual

4 question. I'm interested in the actual

5 performance of Assembly District 8 over the past

6 decade because the paragraph refers to how

7 Assembly District 8 has performed over the last

8 decade. So I want to concentrate on that and what

9 was the result of it. So the question is this,

10 and given Mr. Earle's and Mr. Poland's objections,

11 my question is over the course of the last decade,

12 have the non-Latino, Caucasian voters voted in

13 such a way that in Assembly District 8 they have

14 defeated the preferred candidates of the Latino

15 voters?

16 MR. POLAND: Objection, form and

17 foundation.

18 MR. EARLE: I join the objection.

19 A I would have to say I couldn't answer that in a

20 positive way, only because from what I've

21 witnessed over the last couple of years and doing

22 a little bit of history and talking to other

23 people who have been there like the people I've

24 mentioned before, I would have to say no, they

25 don't vote like that. However, for instance, with

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1 Alderman Wachowiak, he has a high Hispanic
2 following, so for -- in that instance and in that
3 race, from what I understand, Wachowiak, I don't
4 know the actual voting computations of when
5 Wachowiak took the seat from Angel Zanchez, but I
6 would think that it was not racially motivated.
7 That I would probably be able to say, but that's
8 just my opinion. It's kind of hard because
9 there's some nuances in there that make it tough
10 to say something one way or the other.
11 Specifically speaking, that the white folks
12 in that area and even outside of that area tends
13 to back the democrat side, which in this case,
14 would be the Latinos mostly. So I mean, that's
15 something that's kind of -- you know, it's hard to
16 say. Would they vote as a block to vote down a
17 Republican Latino, probably, and that's just my
18 opinion. But in the reverse, I'm just being
19 honest here. I'm just saying what I think. You
20 know, on the other side, I would say no. I would
21 say no.
22 MR. EARLE: Now that we have
23 testimony in response to a question formed by
24 the deponent.
25 MR. KELLY: I like that. I think

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1 he's doing a better job of forming questions
2 than me.
3 Q Let's narrow it down a little bit. Let's look at
4 elections just for the Assembly. Has the
5 non-Latino, Caucasian voters in Assembly
6 District 8 been able to at all prevent the Latino
7 community from electing a candidate of their
8 choice?
9 MR. POLAND: Object to the form of
10 the question and foundation.
11 MR. EARLE: Join.
12 A I would say that no -- I would say no they
13 haven't, for obvious reasons, with Judge Colón and
14 Representative Zamarripa. Can you restate it
15 again? Because I had another thought, but.
16 Q Actually, that gets where I was going, and let me
17 just clarify then just a little bit. The obvious
18 reason that the answer was no to that question was
19 because Pedro Colón and JoCasta Zamarripa were and
20 are the Latino community's candidates of choice,
21 correct?
22 MR. POLAND: Object to the form of
23 the question. Suggesting the answer is
24 terribly leading.
25 MR. EARLE: I object to that on the

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1 same basis as well.
2 MR. KELLY: And if he was my
3 witness, that would be a problem, but since
4 he's not.
5 MR. POLAND: The objection still
6 stands.
7 MR. KELLY: Well, it certainly
8 does.
9 MR. POLAND: Right. You're
10 testifying for him.
11 A I know what I was going to say before is that as a
12 block, I would say that they could not have, but
13 they could have had a high percentage. To be fair
14 on the other side, they could have had a high
15 percentage. But if we're saying a block? I mean,
16 what constitutes a block? Is it 60 percent, 70
17 percent, 100 percent. Maybe 70 percent voted
18 against -- voted against Pedro and such, but the
19 other 30 percent -- because obviously there's -- I
20 don't know. I can't remember what the break down
21 is in white versus Hispanic voters. But it's a
22 very small turnout. I mean, you only need like
23 800 votes or so to win, I believe, in that area.
24 So it's kind of hard to say. I'd have to -- I'd
25 have to think that if the white community voted

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1 100 percent, then yeah, they could probably block.
2 So if that hasn't happened, I can't imagine why it
3 hasn't happened if that was the case.
4 Q In any event, the Assembly District 8 has, for the
5 past 10 to 12 years, elected the Latino
6 community's candidate of choice, correct?
7 A Yes.
8 MR. EARLE: Form.
9 Q All right. Let's take a look at paragraph 30 of
10 Exhibit 1001, take a moment to review that?
11 A You got it.
12 Q The first question would be pretty
13 straightforward; do you agree with the statement
14 in paragraph 30 of Exhibit 1001?
15 MR. POLAND: Object to form and
16 foundation as well.
17 A I do not see here where it talks about -- oh, yes,
18 I do. Hold on. I don't know what substantially
19 below would mean, to be quite honest with you.
20 Substantially means, you know, eight percent, then
21 yeah, I'd probably agree. If substantially is 20
22 percent, then I'd say no.
23 Q Do you believe that the -- that Assembly
24 Districts 8 and 9, as they were adopted in Act 43,
25 fractured the Latino community's voting strength?

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1 A No.
2 MR. POLAND: Objection --
3 MR. EARLE: Object to the form of
4 the question, foundation.
5 MR. POLAND: Join in the
6 objections.
7 Q And the answer is?
8 A No.
9 Q Why not?
10 A The voting strength you said, right?
11 Q Yes.
12 A I would say because of the political strength that
13 they do have in the community already and have
14 established specifically in the 8th District is
15 why. It's still significantly high enough. And
16 again, the Hispanic citizen voting age was not a
17 part of the process, wasn't part of the numbers
18 that we had to consider. But I don't want to go
19 in the wrong direction here, but based on what
20 we've done traditionally, I don't know if Hispanic
21 citizen voting age population, I'm assuming not
22 because I think it only came out within the last
23 10 years, was never used in doing the
24 redistricting in the Latino community here in
25 Wisconsin. And then so we had an assumption based

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1 on the power. If we were doing it with less
2 than -- we had significantly -- in 2000 -- when
3 Pedro Colón first started, it was not anywhere
4 near what is being suggested by Voces as a
5 necessary to have enough strength. There wasn't
6 that -- so in my opinion, that's why I don't think
7 that it fractured it and reduced the strength.
8 Because we've shown in the past with that same
9 number or below that, we were able to vote the
10 person that the community wanted.
11 Q If I recall your testimony earlier from this
12 morning, I think you mentioned that you had --
13 were aware of or participated in the process of
14 districting within Milwaukee County?
15 A Yes.
16 Q What was your role in that?
17 A Well, my role was just, you know, looking at the
18 evidence, appealing to the board and other
19 officials who had some impact on re-looking at
20 the -- what they had done and to change it.
21 Q What kind of change were you looking for?
22 A We were looking to establish two districts instead
23 of just one, Hispanic voting age population
24 districts.
25 Q Do you know what the Latino voting age population

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1 percentage was in the one Latino majority
2 district?
3 A You mean before the preliminary map?
4 Q Correct.
5 A I believe it was 67 percent, if I can recall
6 right, VAP.
7 Q And what percentage were you looking for?
8 A Well, we didn't mind that so much as we wanted the
9 one that was in the 12th District. That was
10 the 4th District. The 12th District, which was
11 right below it -- excuse me, reverse. That was
12 the 12th District. The 4th District that was
13 right below it was redistricted from -- from an
14 effective, well, I guess not a citizen age voting
15 population, but of 50. -- I think it was like 51
16 percent Hispanic voting age population based on
17 the 2010 census numbers and then redistricted it
18 to a 43 percent, and then there was pretty much
19 put -- I don't know if it was necessarily put, but
20 it stayed in the 12th District.
21 And so we asked to take that down and restore
22 what was done -- what had already naturally
23 happened in that area where the 4th District had
24 grown naturally to a 50 -- over 50 percent
25 Hispanic VAP, and they did do that.

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1 Q Why were you interested in getting a district that
2 was at least 50 percent Hispanic VAP?
3 A Because it would increase our political power.
4 Q Even at 50 percent?
5 A Yes.
6 Q Did the -- did it concern you that I guess it
7 would be the 12th District was not higher than 67
8 percent Latino voting age population?
9 A No, and for the same reasons as with the State,
10 the 8th and 9th, is that we're a growing
11 population. That will catch back up, and there's
12 really no -- there isn't any -- like right now
13 there's Sylvia Ortiz. There's Peggy West, who's
14 Hispanic. There might be another candidate. I'm
15 not sure. But everybody I've heard of are all
16 Hispanic running for that County Board seat in the
17 more majority Hispanic District 12.
18 Q Do you know if Voces de la Frontera took the
19 position with respect to supervisor Districts 12
20 and 4?
21 A Not publicly, not publicly.
22 Q What do you mean by that?
23 A When we had asked them -- not just them
24 particularly. We asked the Latino redistricting
25 committee that had been formed with a couple of

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1 groups that were -- that were interested
 2 altogether. They were particulate of that. And
 3 when we had asked them, it wasn't just them, but
 4 it was the other groups that were involved too,
 5 did not want to -- didn't want the fight, and so
 6 our little group continued. From my
 7 understanding, they did stuff in the background,
 8 but I can't confirm that because it's in the
 9 background, so I don't know.
 10 Q Do you know if they approved or disapproved of
 11 supervisory Districts 12 and 4 as they were
 12 eventually formed?
 13 A Yes. From my understanding, yes, they approved
 14 that. From my understanding, they helped with
 15 that.
 16 Q Do you have any idea why they helped with that?
 17 A I think because working -- based on the numbers
 18 that we had at the time, it was the right thing to
 19 do based on what we were working with.
 20 Q And why would that be the right thing to do?
 21 A Because we were safe in District 12 and we wanted
 22 to have more representation in a second district
 23 based on our growth population. We grew 126,000
 24 Latinos in the county of Milwaukee over that 10
 25 years. We started with one seat, and they ended

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1 up only keeping us with one seat with the
 2 preliminary map, and then seen we're at 126,000
 3 growth without any more seats added.
 4 Q Okay. Mr. Rodriguez, I'm going to hand you what
 5 has been marked Exhibit 1002. Please take a
 6 moment to review Exhibit 1002. It consists of two
 7 pages, and let me know when you're done.
 8 THE WITNESS: Can someone get me
 9 another piece of candy?
 10 MS. LAZAR: This Exhibit 1002
 11 should be stapled together.
 12 A Okay.
 13 Q Mr. Rodriguez, can you tell me what Exhibit 1002
 14 is?
 15 A It's my testimony that was submitted to the State
 16 committee on redistricting.
 17 Q And this is testimony with respect to 2011
 18 Wisconsin Act 43?
 19 A Yes, I believe. 43, you guys keep using that
 20 number. I never looked at it like that, but yes.
 21 Q Act 43 dealt with the state legislature?
 22 A Right, right.
 23 Q Did you provide verbal testimony to the Assembly
 24 as well?
 25 A No. I wanted to, but again, I had to get to the

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1 County to finish the work that had been started
 2 there too. So I was in two places at once, trying
 3 to be.
 4 Q Can you tell me, there's some handwriting there on
 5 the bottom of the first page of Exhibit 1002; is
 6 that your handwriting?
 7 A Yes, it is.
 8 Q What did you -- what did you mean by, "Unless the
 9 latter statistic can be improved - a higher HVAP
 10 in the 3rd Senate District"?
 11 A At the hearing, I was sitting next to Mr. Earle,
 12 and I showed him my testimony. And he had
 13 concerns about being able to have a greater impact
 14 on the Hispanic community, and I went back and
 15 forth in trying to assure him that based on the
 16 numbers that we had, it was impossible, and he
 17 didn't believe that. He thought there could be
 18 more done. If I can just expound on it a little
 19 bit?
 20 Q Uh-huh.
 21 A Mr. -- up until that time, the conversations that
 22 I had with Mr. Earle on this issue, it seemed as
 23 if they were looking for certain numbers, and when
 24 I tell them that wasn't possible, that wasn't
 25 possible, and they wanted to extend three weeks,

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1 which I can understand at this point. But it's
 2 not my belief based on what he told me at the
 3 hearing that they -- I mean, he didn't -- put it
 4 this way, he didn't mention citizen voting age
 5 population at the hearing. He just said *If it can*
 6 *be shown later on.* I said *Sure. If it can be*
 7 *shown later on, then we can sit here and look at*
 8 *it if it's the right thing to do.* Yes. And it's
 9 higher VAP in the 3rd Senate District, not in 8th
 10 and 9th. As you can see, this was overall.
 11 Because at the time, that was the argument that I
 12 thought he was making to me, at least, that it was
 13 about getting a higher percentage overall for the
 14 District, not -- for the Senate District, not just
 15 the Assembly District or just for 8.
 16 Q If -- Mr. Earle had asked you some questions
 17 earlier about citizen voting age population in
 18 Districts 8 and 9. And I'll characterize one of
 19 his questions, and I'm sure he'll object because I
 20 can't remember verbatim. But he asked you about
 21 whether you would like to have a higher Latino
 22 citizen voting age population in Assembly
 23 District 8; do you remember that?
 24 MR. EARLE: He's a prophet, I
 25 object. I object to the question.

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1 Q Go ahead.
 2 A In the citizen age population, now I don't know if
 3 I'm going to contradict myself here, but I want an
 4 effective voting age population regardless of
 5 citizenship. That's kind of what I said before.
 6 Q And by --
 7 A But to be fair, if, you know, if we would have had
 8 citizen voting age, if that would have been put
 9 into place as early as the County, then everything
 10 would have been different. And I still don't
 11 agree with the new numbers, even if it's correct
 12 as far as the 70 percent HVAP, increasing the
 13 Hispanic voting age citizen population, you know,
 14 could be -- could have been, might have been from
 15 our standpoint raised a little bit more, but it
 16 wouldn't have been as significant as from what I
 17 understand as they would have wanted. If that's
 18 answering your question. So I'm not objecting to
 19 having a higher citizen voting age population, but
 20 it probably would have been marginal based on the
 21 same -- the same reasoning from before as far as
 22 our growth and our current power in those
 23 districts.
 24 Q And if increasing the Latino citizen voting age
 25 population in Assembly District 8 came at the cost

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1 of reducing the citizen voting age population in
 2 Assembly District 9, would you prefer Mr. Earle's
 3 plan?
 4 MR. EARLE: I'm going to object to
 5 the concept of Mr. Earle's plan, which I have
 6 no idea where that is, and also to the form
 7 of the question and the foundation, lack of
 8 foundation.
 9 MR. POLAND: I join in the
 10 objections.
 11 A That took so long, you're going to have to repeat
 12 the question.
 13 MR. KELLY: Brandé, can you read it
 14 back.
 15 (Question read)
 16 MR. EARLE: And I object to the
 17 implication, bringing counsel in in a way.
 18 There is no Mr. Earle's plan, and it's
 19 improper.
 20 Q Let me just redo the question here. Would you be
 21 in favor of a plan that increased the Latino
 22 citizen voting age population in Assembly
 23 District 8, if that meant that the Latino citizen
 24 voting age population in District 9 would
 25 decrease?

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1 MR. EARLE: Object to form and
 2 foundation.
 3 MR. POLAND: Join in the objection.
 4 A Fundamentally, no, but I could be okay with that.
 5 Like I said, it would be very marginal, if at all.
 6 So that would be my answer. Yes, possibly, but it
 7 would be marginal, if at all.
 8 Q Do you see a need to increase the Latino citizen
 9 voting age population in Assembly District 8?
 10 A Do I what?
 11 Q Do you see a need to increase the Latino citizen
 12 voting age population in District 8?
 13 A No.
 14 MR. POLAND: Object -- objection,
 15 foundation and relevance.
 16 MR. KELLY: Normally, that all fits
 17 within form.
 18 MR. EARLE: I join in the
 19 objection, and I think there may be other
 20 aspects of the form of the question as well.
 21 A I think my answer was no.
 22 Q I think it was too. Thank you. Mr. Rodriguez,
 23 having now reviewed the testimony that you
 24 submitted as Exhibit 1002, do you still agree with
 25 your testimony?

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1 A Yes, so far. I've still yet to see -- I've still
 2 yet to see the expert's algorithm or whatever, how
 3 he came to the conclusion of the citizen voting
 4 age.
 5 Q Okay.
 6 A Based on precedent, probably wouldn't change my
 7 mind, probably. Having these same numbers back
 8 during the Colón years.
 9 Q And the final question with respect to Assembly
 10 District 8 at least, have you seen anything, any
 11 information or data that would suggest that it
 12 would be more difficult for the Latino community
 13 to elect a candidate of its choice in Assembly
 14 District 8?
 15 A No.
 16 MR. EARLE: Form.
 17 MR. POLAND: Object to form and
 18 also foundation.
 19 THE WITNESS: I'm going to have no
 20 testimony.
 21 Q Oh, it's all still going to be there, don't you
 22 worry. Mr. Rodriguez, I'm going to go through a
 23 list of names here, and if you can, can you tell
 24 me if they're Latino or not? A few of them I'm
 25 going to assume they are, but --

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1 A Okay, I'll try.
 2 Q We'll go through the whole list.
 3 A Okay.
 4 Q Pedro Colón?
 5 A Yes.
 6 MR. EARLE: What is the question
 7 again, I'm sorry?
 8 MR. KELLY: If they're Latino.
 9 MR. EARLE: If they're Latino,
 10 okay.
 11 MR. POLAND: I'm going to -- I move
 12 to object to the form of the question and the
 13 relevance of the inquiry.
 14 Q Victor Huyke?
 15 A Yes, he is.
 16 Q Victor Lariuz?
 17 A I don't know him.
 18 Q Alvert Tadych?
 19 A I do not know him.
 20 Q Patricia Zamarripa?
 21 A I don't know her, but --
 22 Q Kind of seems like it?
 23 A Well, yeah. I mean, I would assume so.
 24 MR. EARLE: You're asking him to
 25 speculate since he doesn't know her?

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1 MR. KELLY: No, I am not.
 2 Q H. Nelson Goodson?
 3 A Yes.
 4 Q Roberto Escamilla?
 5 A Yes.
 6 Q Donald Stoetzel?
 7 A Don't know him.
 8 Q Laura Manriquez?
 9 A Yes.
 10 Q José Guzman?
 11 A I don't know him personally, but yes.
 12 Q JoCasta Zamarripa?
 13 A Yes.
 14 Q Angel Zanchez?
 15 A Yes.
 16 Q Romona Rivas?
 17 A Yes.
 18 MR. KELLY: That will do it for me.
 19 Thank you, Mr. Rodriguez.
 20 MR. EARLE: Do you mind if I go
 21 first quickly?
 22 MR. POLAND: No.
 23
 24
 25

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RE-EXAMINATION

1 By Mr. Earle:
 2 Q These are questions that have been raised by
 3 the -- in response to the questions Mr. Kelly
 4 asked.
 5 A I understand.
 6 Q You recall, you testified about when you and I
 7 spoke in the Capitol during the joint hearing in
 8 the legislature? What day was that; do you
 9 recall?
 10 A I think that's the 13th, right, Wednesday the
 11 13th.
 12 Q And we sat together as you testified?
 13 A Uh-huh.
 14 Q And you indicated that I told you that I wished we
 15 had three weeks more time before Act 43 was voted
 16 on?
 17 A Yes, that's -- not only do -- I'm pretty sure you
 18 remember stating that then, you reiterated to me
 19 at our last meeting, which I agreed that you --
 20 that I pretty much remember you saying that.
 21 Q And you agreed with me that three more weeks would
 22 allow the community a better opportunity to
 23 analyze the data and determine the impact of
 24 Act 43, correct?
 25

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1 A Yes, but can I do a but?
 2 Q You bet. I'm not trying to manipulate, but please
 3 do.
 4 A Yes, I did. However, I go back to my stance on
 5 not just Hispanics for Leadership, with our
 6 small -- very small constituency, but on the
 7 impact of Voces de la Frontera and their larger
 8 constituency, that either way -- I mean, would it
 9 really have been -- would there have been a
 10 change, or would it have just been more of an
 11 education and information. Because in these kind
 12 of roles in our community, the people who take the
 13 lead roles do the research, do the footwork, and
 14 then they basically relay that message. And
 15 usually there's not a lot of -- there's usually
 16 not a lot of kickback if they're all kind of
 17 like-minded.
 18 So yeah, I know Voces could come back and say
 19 We have 3,000 people who agree with us, and I come
 20 back with my couple dozen, but that was the point.
 21 So yes, technically -- the answer to your question
 22 is technically speaking, it would have been nicer
 23 for sure, but I don't think that would have
 24 changed the outcome based on the roles of the
 25 people who are leading the movement, so to speak.

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1 Q And I understand that you're discussing in your
2 answer that your but -- the but portion of your
3 answer, that you're focused on the likelihood that
4 any significant consensus beyond that which would
5 already have been arrived at would have emerged?
6 A Yes.
7 Q Is that what you were addressing?
8 A For my group, yes.
9 Q Okay. But my question to you is a little bit
10 different than that. My question is focused on
11 the ability of the community to appreciate the
12 data as it affects the Latino community as a
13 result of Act 43. And the question is that the
14 community would have had a better opportunity to
15 analyze and understand the data as it affected the
16 Latino community in Districts 8 and 9 if they had
17 more time; isn't that correct?
18 A Technically, but yes, but another year would have
19 done the same thing.
20 Q But at the hearing you agreed with me on that
21 point, right?
22 A Right, right. Like I said, I do agree with that.
23 Q And the fact that you agree with that is why you
24 put in the first sentence of your -- of the second
25 paragraph of Exhibit 2002 was I personally wish

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1 there was more time given to this process.
2 Correct?
3 A Right.
4 Q And the process, it started, as far as you're
5 concerned, on July 8th, correct?
6 A Yes.
7 Q And the hearing was on the 13th?
8 A Yes.
9 Q How many days is that?
10 A Five. Right?
11 Q By contrast, right -- and you're on the school
12 board, right?
13 A I know, right.
14 Q And by contrast, the city of Milwaukee
15 redistricting process, how long did that take?
16 A Boy, that was a couple of months, I believe.
17 Q And you engaged in that process?
18 A Yes.
19 Q You participated in the analysis of data?
20 A Yes, I did.
21 Q You would agree that there can be no comparison
22 between the time and opportunity given to the
23 Latino to analyze the data as between the City's
24 remapping process and the legislature's remapping
25 process, correct?

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1 MR. KELLY: Objection, form.
2 A Can't compare the time, but I can compare the
3 outcome because the map that was originally
4 introduced on behalf of the City at the very
5 beginning, all the community input made no
6 difference in what they passed. They passed the
7 original one that was written from the beginning.
8 So from a time aspect, yes. From an effective
9 standpoint, no.
10 Q Changing subjects. You testified in response to
11 Mr. Kelly about the nature of Voces de la Frontera
12 and its representativeness of members of the
13 Latino community, correct?
14 A Yes.
15 Q You know that Voces de la Frontera is a
16 membership-based organization?
17 A I believe so, yes.
18 Q So when you say two to 3,000 people, you're
19 referring to dues-paying members?
20 A I would assume so. I've heard Christina say that
21 they represent two to 3,000 or whatever. I don't
22 know if that's paying members or not. I really
23 don't. I just assumed.
24 Q Are you familiar with the May Day marches?
25 A Yes.

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1 Q Is that part of your --
2 A Yes, yes.
3 Q Have you ever participated?
4 A No, I wanted to. But this last time they combined
5 it with the union efforts, so I thought that's not
6 a Latino issue. So I was unfortunately able to do
7 that.
8 Q Do you know how many people in the past have
9 generally participated in those May Day marches?
10 A Tens of thousands easy.
11 Q Who sponsors those May Day marches?
12 A Voces de la Frontera.
13 MR. KELLY: I'd object to form, but
14 we're not disinterested.
15 A I also testified earlier that I agree with a lot
16 of what Voces does. I shouldn't say a lot, but I
17 agree with some of what Voces does.
18 Q Well, let's talk about that.
19 A Yeah.
20 Q You agree about the positions that Voces has taken
21 in defense of immigrant rights, correct?
22 A Yes, yes.
23 Q Is it fair to say that you hold that view
24 strongly?
25 A Absolutely.

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1 Q So that when we talk about people who have
2 immigration issues who are present in the
3 United States, you would prefer to refer to those
4 folks as undocumented immigrants, correct?
5 A Yes, sir. Yes, sir.
6 Q You would take offense to calling them illegal?
7 A Absolutely. I take not as much offense to
8 illegal, but I thought you were going to continue
9 where they call them aliens, yes.
10 Q So you would object to both words, illegal and
11 both alien?
12 A Well, I would object more -- if they said illegal
13 immigrants, that's less offensive than illegal
14 aliens.
15 Q How about if they say illegals?
16 A Yeah. I take offense to that too, yes.
17 Q You would agree that a person who uses that kind
18 of language has a value dissidence with you,
19 correct?
20 A I would say they're uneducated and uninformed
21 about the facts and the history of the
22 United States specifically the relationship
23 between them and Mexico.
24 MR. POLAND: I'm sorry, I didn't
25 hear. Specifically --
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1 THE WITNESS: Especially the
2 relationship between United States and Mexico
3 and our history over the last 100 hours.
4 Q Now, Mr. Kelly took you through a number of
5 paragraphs in the complaint. I'm going to revisit
6 some of that. Let's go back to -- this is Exhibit
7 No. 1001, and we'll start with paragraph 24.
8 A Okay.
9 Q Mr. Kelly didn't ask you about the absence of
10 special circumstances. Would you consider the
11 fact that there is no Anglo or non-Latino
12 candidate in an election which results -- strike
13 that. In an election in which all the candidates
14 are Latino, it would be hard to tell whether there
15 was block voting by non-Latino members of the
16 community in a way that's adverse to the Latino
17 community, correct?
18 A I would say yes, but it depends on their voting
19 output. If they -- if they -- I would think if
20 there was nothing but Latinos, and they didn't
21 want a Latino, then they wouldn't come vote. So
22 you could see it by the absence of vote
23 potentially.
24 Q And just to be clear, you've got conducted any
25 studies of polarized voting patterns in the city
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1 of Milwaukee, correct?
2 A No.
3 Q And you've not -- you've not read the literature
4 that has been published with regards to polarized
5 voting patterns within the city of Milwaukee,
6 correct?
7 A No, I have not.
8 Q So when you were testifying earlier, you were
9 speculating on the basis of information that has
10 been informally accrued by you over time?
11 A Yes.
12 Q And you cannot sit here today and quantify or
13 characterize the quality of that information;
14 isn't that correct?
15 A Yes. I mean, life experience does help, and those
16 who have been around here for 40 years also, but
17 yeah, you're right, yes.
18 Q But you do participate in the electoral process?
19 A Right, right, right.
20 Q Let's go to the next paragraph, which is
21 paragraph 25, okay. Well, just to finish off with
22 the polarized voting, we talked about Pedro Colón.
23 And do you know whether there any non-Latino
24 candidates have run against Pedro Colón?
25 A I would -- I don't know. I don't know. I'm just
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1 going to say no, I don't know.
2 Q Do you know whether any non-Latino candidates have
3 ever run against JoCasta Zamarripa?
4 A No. She only ran -- well, maybe in the past, but
5 not for this Assembly seat. I don't know if she
6 ran before. She might have for something else.
7 Q Paragraph 25, why don't you take a moment and read
8 it carefully.
9 A Okay.
10 Q You would agree that paragraph 25 is accurate,
11 correct?
12 A The entire community, no. Some, yes.
13 Q You would agree that on the whole, the
14 socioeconomic effects of historic discrimination
15 in employment, education, health, and other areas
16 has, in fact, depressed the socioeconomic status
17 of the Latino community? Let's take that --
18 A I would say the past, yes. Of the present,
19 it's -- for some, yes; for some, no. I mean, it's
20 just --
21 Q But you would agree with the proposition that the
22 Latino community in Milwaukee has historically
23 suffered --
24 A Historically going how far back?
25 Q Let's go back 20 years.
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1 A And since then, it hasn't -- I can delineate
2 between those two time periods?
3 Q Let's just take the last 20-year time period.
4 A Okay.
5 Q During the course of this time period, there has
6 been, up to this point, there has been, to your
7 knowledge, historical discrimination against the
8 Latino community over time?
9 A It's just so broad. Of course, there has been
10 some. Absolutely there has been some.
11 Q And you would agree that the Latino community of
12 Milwaukee suffers a depressed socioeconomic
13 status, correct?
14 A Can you --
15 Q As a whole.
16 A Can you define that a little better for me?
17 Q As compared to the non-Latino community, the
18 larger majoritarian community, you would agree
19 that the Latino community suffers from depressed
20 socioeconomic status, correct?
21 MR. KELLY: Object to form.
22 A That's a hard one to answer. Because you're
23 talking about the city of Milwaukee?
24 Q Yeah.
25 A Because a lot of people move out of the city of

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1 Milwaukee once their economic status changes. So
2 I would say those who are in Milwaukee are still
3 feeling some of the effects, but is it, in this
4 day and age in 2011, is it caused by external
5 forces, I would say yes, but minimally compared to
6 what it used to be, which was much more.
7 Q Without regard to the cause, Mr. Rodriguez,
8 without regard to the cause, I mean, the question
9 today, in Milwaukee, it's fair to say that the
10 Latino community is comparatively more
11 socioeconomically depressed than the larger
12 community?
13 A When you say depressed, you're saying from an
14 outside source or just period?
15 Q It has a lower level indicia of socioeconomic
16 indicators?
17 A Yes, yes, absolutely. I just didn't know whether
18 depressed meant that it's being depressed,
19 oppressed-type or just in general. In general,
20 yes.
21 Q Lower economic income levels?
22 A Right.
23 Q Lower education levels?
24 A Yes.
25 Q Lower graduation rates from schools?

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1 A Generally speaking, yes.
2 Q Okay. I didn't mean to depress in the form --
3 A Right. That's why I'm saying I just didn't know
4 what you mean by that.
5 Q All right. Well, and you would agree that those
6 factors combine to limit and reduce the ability of
7 the community to participate electorally, correct?
8 A That I would say no, not anymore. I mean, I go to
9 El Rey, look what they're doing with the recall
10 down on the south side. I mean, they're really
11 getting people together. It has been like that
12 for at least the last three years that I've been
13 involved, that you can get people down there to
14 listen if you want them to. Now, can they vote,
15 it depends on whether they can vote or not.
16 That's the situation.
17 Q You would agree that electoral participation rates
18 for the Latino community are lower than every
19 other community in the city of Milwaukee?
20 A Yes. I would agree with that, yes.
21 Q And you would agree that one of the reasons for
22 that is the depressed socioeconomic status of that
23 community comparable to the other communities in
24 Milwaukee, correct?
25 A Well, I don't know if I would say that only

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1 because the African-American community has huge
2 segments that have the same economic depressed
3 sections also, but they seem to vote more. So I
4 would think it's a matter of education and the
5 language barrier, you know, the importance of it.
6 As you know, we're working on that in the south
7 side. So was my answer no then?
8 Q I don't know. You're the master of your answers,
9 sir. You would agree that the language
10 limitations with regards to fluency in English
11 limit the ability of the Latino ability to fully
12 participate in the electoral process?
13 A I don't think it limits their ability to
14 participate from a legal standpoint, but it's a
15 matter of their own ability to understand what
16 their role is as a citizen. That's what it really
17 comes down to.
18 Q Are you familiar with recent steps being taken by
19 the City of Milwaukee to increase the staffing at
20 polling places with bilingual polling workers?
21 A Absolutely, yep.
22 Q Do you know why they're doing that?
23 A Yeah.
24 Q Why?
25 A To help them in the process. To help them

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1 participate in the process more.
 2 Q Where are they doing that? Why there is a need to
 3 do that?
 4 A Because of what you just said.
 5 Q For the record --
 6 A I should say because of what I just said actually,
 7 that they don't understand the process, and
 8 there's that barrier, and they need to be educated
 9 and know that there's help for them to be able to
 10 do it. I know I added to my answer now, but
 11 that's my answer. But the city of Milwaukee --
 12 well, I'm not going to get into my own opinions,
 13 sorry. Keep going. I do believe there's a need
 14 for that, yes.
 15 Q Did you ask any of the people that you worked with
 16 between July 8th and July 13th in the legislature
 17 to extend the time so that more analysis could be
 18 done?
 19 A No, I did not.
 20 MS. LAZAR: Before you mark that,
 21 we might have marked it. What do you have?
 22 MR. EARLE: Peter Morrison.
 23 MS. LAZAR: It is Exhibit 32.
 24 MR. EARLE: Would you agree that I
 25 can just write 32 and show it to the witness?
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1 MS. LAZAR: Write 32 on it.
 2 Q I want to take you back to that meeting you and I
 3 had. That was at Elsa's Restaurant?
 4 A Yes, sir.
 5 Q That was what, two weeks ago maybe? I don't know.
 6 I don't remember when it was.
 7 A Couple weeks ago, yes.
 8 Q And we sat down in the window there?
 9 A Yes.
 10 Q And I brought a -- I had a set of documents
 11 clipped together, correct?
 12 A Yes.
 13 Q And I showed you a couple of pages within those
 14 set of documents, correct?
 15 A Yes.
 16 Q As a matter of fact, I actually forgot --
 17 A Yes, you did.
 18 Q -- at the table?
 19 A And I was honorable and it stayed closed. Matter
 20 of fact, Hector, we both -- *Hey, what's this.* I
 21 said *Nope, don't touch that. I gotta call. Don't*
 22 *even look inside it.*
 23 Q We're clipping each other's conversations here.
 24 A Sorry.
 25 Q Open this to page 7, if you would. Now, there's a
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1 Table 2 there. Did I show you Table 2?
 2 A I don't remember. You showed me something. I
 3 don't recall which -- what page it was, to be
 4 honest with you.
 5 Q Well, you recall that I told you that the
 6 defendant's expert had calculated the Hispanic
 7 citizen voting age population of the Assembly --
 8 of Assembly District 8 at 49.9 percent, correct?
 9 A Uh-huh. Yes, I do remember that.
 10 Q And I showed you a chart that shows --
 11 A Yes. You showed me something, yes.
 12 Q And that the corresponding percentage for
 13 the 9th Assembly was 33.7 percent, correct?
 14 A Yes.
 15 Q And you were shocked by those statistics, weren't
 16 you?
 17 A No, I wasn't.
 18 Q You were surprised?
 19 A No, not at all. We've talked about this for a
 20 month or so before that. I already knew the
 21 difference between citizen age. I already knew
 22 that, so at that exact moment, I was not
 23 surprised.
 24 Q So you're saying you did not indicate to me that
 25 you were surprised that the numbers were that low?
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1 A Did I make a face or something? I mean, I don't
 2 remember. Because I already knew that. You had
 3 told me that well before that fact when we talked
 4 on the phone. I'm saying I might have been
 5 surprised way back when you first told me, but not
 6 at that exact moment because I already knew. You
 7 already told me that before.
 8 Q But I told you these were the numbers from the
 9 defendants in the redistricting suit, correct?
 10 A From the defendants. These are the numbers from
 11 the defendants?
 12 Q Yes.
 13 A I don't recall that, but maybe you did.
 14 Q Well, you said you wanted to check that?
 15 A The defendants?
 16 Q You wanted to check the numbers I was showing you?
 17 A Yes.
 18 Q To verify that it was true?
 19 A Right. I wanted to know how he came -- how they
 20 came to have that and then what the other side's
 21 argument would be against that. That's what I
 22 said.
 23 Q What other side?
 24 A Whatever -- whoever would be looking at it and
 25 saying this is -- the process that was used to
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1 come up with that number is either good or bad. I
2 don't know. I'm not saying they would have been
3 against it. I'm saying I wanted to hear, not just
4 from Peter Earle, I wanted to hear from the other
5 side also that yes, we accept those numbers.
6 Q Let's go to page 9. Are you there?
7 A Yes.
8 Q I also showed you a chart that indicated that the
9 8th Assembly District would not reach the 50
10 percent point in terms of having a majority
11 Hispanic citizen voting age population until the
12 year -- until November of 2018 according to the
13 defendants' expert, didn't I?
14 A Yes, you did.
15 Q And maybe that was the number you were surprised
16 at?
17 A Yes, maybe that's the number I was surprised at.
18 Q You were surprised by that, correct?
19 A I'm surprised by it now, so how about that.
20 MR. KELLY: Mr. Earle, are you
21 trying to testify through the witness?
22 Q You don't like that, that statistical calculation,
23 correct?
24 A No, I don't mind it at all.
25 Q You think it's fine to wait until the year 2018 to

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1 achieve a citizen voting age majority of Latinos
2 when it can be accomplished now?
3 A Yes, I don't mind it because if you look at
4 District 9, it gives us much -- almost a majority
5 of 45 percent citizen voting age for District 9.
6 It gives us two. And as the history has shown, we
7 have been able to elect people who we wanted with
8 much lesser than 50 percent of what's the current
9 Hispanic voting age population now and when
10 Mr. Colón had won all those times. I guarantee
11 you it was a lot smaller than 50.9 percent
12 Hispanic citizen voting age, if not by 10, 15
13 percent, I -- talking too much. Go ahead, I'm
14 sorry.
15 Q Can you identify any Assembly race in which a
16 Hispanic candidate defeated a white candidate when
17 the citizen voting age population of the Latino
18 community was less than 50 percent?
19 A I would -- I can't say this for sure, but I would
20 be pretty positive that when Angel Zanchez beat
21 Wachowiak, at that time, it was not a 50 percent
22 citizen voting age. I could be wrong, but I think
23 that's -- I don't think that happened.
24 Q When you spoke with Mr. Handrick after meeting
25 with me, and me showing you this report, Exhibit

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1 No. 32, did you ask him about this data?
2 A No. Remember we didn't say much. He said he
3 didn't want to talk about anything and then
4 directed me towards Dan.
5 Q Did you ever ask anybody else about this data?
6 A No, no, I did not. Not that I recall. Never seen
7 it except for when you showed it to me.
8 MR. EARLE: I'm done.
9
10 RE-EXAMINATION
11 By Mr. Poland:
12 Q All right. Mr. Rodriguez --
13 MR. EARLE: I'll give you a copy so
14 you can just take it with you.
15 THE WITNESS: Oh, thank you.
16 Q You were asked before by Mr. Kelly whether
17 Voces de la Frontera spoke for the Latino
18 community; do you remember that question?
19 A Yes.
20 Q And your answer was no, correct?
21 A Yes.
22 Q I assume also that Hispanics for Leadership
23 doesn't speak for the entire Latino --
24 A Not even close. It's in the testimony.
25 Q Right. I know that we all want to leave soon, but

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1 I'm going to have to ask you to not -- try to wait
2 until I finish my question to respond, so just to
3 make sure so the court reporter can get it down.
4 Now, you were consulted at Mr. Jensen's urging to
5 give your input on the maps that were drawn by
6 Republicans, correct?
7 A Yes.
8 Q Do you know if the Republicans gave the same
9 opportunity to other Latino groups to comment on
10 the specific maps that they were drawing in the
11 July time frame?
12 A Groups or individuals?
13 Q Let me ask first for groups.
14 A I believe from what I understand, I didn't know it
15 at the time, but it has come to my attention now
16 that they had -- I don't know if they gave them
17 the maps or if they asked for support from MALDEF.
18 I don't know if they gave them the maps or not.
19 Q And then what about any other groups that you know
20 of?
21 A Groups? I don't know of any.
22 Q What about individuals?
23 A Individuals, maybe Mandy Perez, because he was all
24 there. So I don't know, maybe. I don't know, but
25 he could have been. You can ask him.

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1 Q And who's Mr. Perez?
 2 A The former secretary of workforce development.
 3 Q Does he currently hold a position for government?
 4 A No.
 5 Q Is Mr. Perez a Republican or a Democrat?
 6 A He's Republican.
 7 Q We also had -- we've heard a lot of testimony
 8 here, but a lot of questions at least about voting
 9 age population versus citizen voting age
 10 population, correct?
 11 A Yes, sir.
 12 Q Right. And when you took a look at statistics,
 13 you did not look at citizenship rates, correct?
 14 A No.
 15 Q Would you even know where to go, where to look to
 16 get the citizenship rates of Latinos in Milwaukee?
 17 A There was never one done until now, I'm sure.
 18 Q So do you know where you'd go to find that data?
 19 A You don't go to find it. It's a calculation. I
 20 mean, this is the first time, I'm assuming that it
 21 has ever even been calculated.
 22 Q Do you know what would be used to calculate it?
 23 What data would be used to calculate it?
 24 A They use different forms from the research that I
 25 did based on a different kinds of census, AR

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1 something. I can't remember the different census
 2 populations that they use, but yeah, I read up on
 3 how they do it.
 4 Q Okay. But you haven't performed any of those --
 5 A No.
 6 Q -- calculations yourself?
 7 A No, no.
 8 Q Okay. And the last, do you know whether that data
 9 were available last year in 2011 during the
 10 redistricting process?
 11 A No, I was not aware of any of that availability.
 12 Q Don't know one way or another whether it was or
 13 wasn't available?
 14 A Yes, I did not know.
 15 Q And Mr. Ottman and Mr. Handrick never gave in that
 16 data to you if it, in fact, was in existence?
 17 A No, they did not.
 18 Q You testified before that you do not hold a
 19 college degree, correct?
 20 A Yes, sir. The same as Bill Gates and Steve Jobs.
 21 Q I'm not -- just establishing a record.
 22 A Just for the record, don't strike that.
 23 Q I'm not making a value judgment. You haven't
 24 taken classes in statistics before; is that
 25 correct?

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1 A No. But my wife has. That's why I mentioned her.
 2 We did some stuff together.
 3 Q And you're not a statistician, correct?
 4 A No.
 5 Q You're not a demographer?
 6 A No.
 7 Q You're not a political scientist?
 8 A No.
 9 Q All right. The projections for growth that you
 10 testified to before, you based on information you
 11 received from the Hispanic Outreach For
 12 Archdiocese?
 13 A No. I based it on the growth over the last 10
 14 years from the previous census and taking into
 15 consideration the actual average age of Hispanics
 16 knowing that there are going to become more and
 17 more voters.
 18 Q And where did you get the data for the average age
 19 of Hispanics from?
 20 A From the -- his name is Javier Bustos,
 21 Javier Bustos. Now, the national data is out
 22 there, it's 29 for national. Everybody can find
 23 that. According to him, the Archdiocese is 19.
 24 Q All right. Do you still have that data?
 25 A No, he just told me.

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1 Q All right. And so you don't know what it was
 2 based on, what his data was based on?
 3 A I do not know what it was based on. It was based
 4 on their research.
 5 Q You were taking it on faith?
 6 A Yes.
 7 Q You were trusting the information?
 8 A Absolutely.
 9 Q But you don't know the basis for it?
 10 A Absolutely.
 11 Q You mentioned as well that you had done some --
 12 performed some statistical analysis with your
 13 wife; is that correct?
 14 A Yeah.
 15 Q And she's a Ph.D. candidate?
 16 A Yes.
 17 Q What is she a Ph.D. candidate in?
 18 A Nursing.
 19 Q She's not a statistician either?
 20 A No, no. She just had to take like five stats
 21 classes in a row.
 22 Q Okay. And did you keep any of those projections
 23 of the statistical analysis that was performed?
 24 A No, sir.
 25 Q You don't know whether it was performed in

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1 accordance with any accepted practices for
2 statisticians doing calculations?
3 A Well, I used the formula that you can Google on
4 the Internet projecting population growth based on
5 current and past. There are formulas, so that's
6 what we used.
7 Q Do you know where you found that formula?
8 A I don't know exactly which one. I just basically
9 searched for it and found it pretty easily.
10 Q So you did a Google search?
11 A Uh-huh.
12 Q And you found a formula?
13 A Yep.
14 Q You used that one?
15 A Right.
16 Q But you don't know which one it was?
17 A No, I don't know exactly which one it was because
18 there's different one.
19 Q In terms creating projections that are reliable
20 statistical projections, can you testify here that
21 the projections that you have -- that you and your
22 wife had come up with are reliable to a reasonable
23 degree of scientific certainty?
24 A To a reasonable degree?
25 Q To a reasonable degree of scientific certainty?

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1 A Scientific certainty?
2 Q In other words, could you come into the courtroom
3 and testify as an expert on --
4 A No, no, of course not.
5 MR. POLAND: I don't have any
6 further questions.
7
8 RE-EXAMINATION
9 By Mr. Kelly:
10 Q Mr. Rodriguez, the Assembly Districts 8 and 9 as
11 they are currently configured, was that the first
12 configuration of those districts introduced in the
13 legislature?
14 A Well, that's -- introduced because the
15 committee -- now, this is procedural. When it
16 came out -- you mean when it came out on Friday,
17 was that when it was introduced to legislature,
18 then no.
19 Q Who was the first one?
20 A The first one was two of them. There was the
21 original LRB and then there was the amendment, and
22 then this last one was added after that.
23 Q Why was the -- why was the last amendment adopted?
24 A Based on the conversations that I had with
25 Tad Ottman.

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1 Q So even though the process went quickly to adopt
2 these maps, there was enough time for you to
3 provide input --
4 A On a personal basis, yes, from me.
5 Q Would anyone else have had an opportunity to make
6 suggestions for changes in the maps?
7 A Well, I did ask both Victor and Gregorio what they
8 thought on that and my thoughts on it, and they
9 thought it was better to have the two with the
10 stronger 9th than having a packed 8th. That was
11 our opinion.
12 Q So there was at least enough time in the process
13 so that somebody could suggest changes in the
14 legislation?
15 A I went to two people to ask what they thought for
16 the most part, and they pretty much agreed with
17 the assessment that I had.
18 MR. KELLY: Nothing further. Thank
19 you.
20
21 RE-EXAMINATION
22 By Mr. Poland:
23 Q One last question. One last question. The
24 opinion that you gave that Mr. Kelly was just
25 referring to, that was based on the data that you

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1 had received and the maps that you had received
2 from Mr. Ottman and Mr. Handrick and on your own
3 looking that you had done, correct?
4 A Yes, sir.
5 MR. POLAND: No further questions.
6 MR. EARLE: I'm thinking.
7 THE WITNESS: I could see that.
8
9 RE-EXAMINATION
10 By Mr. Earle:
11 Q I'm going to err on the side of asking a couple
12 more questions here. Between July 8th and
13 July 13th, you were basically given a choice to,
14 within those boundaries help design the Latino
15 community as you best -- you personally best
16 thought it should be, correct?
17 A Yes, sir.
18 MR. EARLE: No further questions.
19 THE VIDEOGRAPHER: We are off the
20 record. This concludes the video deposition
21 of Mr. Jesus Rodriguez, taken January 11th,
22 2012. The time is 1:23.
23 (Adjourning at 1:23 p.m.)
24
25

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1 STATE OF WISCONSIN)
) ss.
 2 COUNTY OF DANE)
 3 I, BRANDÉ A. BROWNE, a Registered Professional
 4 Reporter and Notary Public duly commissioned and
 5 qualified in and for the State of Wisconsin, do
 6 hereby certify that pursuant to subpoena, there came
 7 before me on the 11th day of January 2012, at 9:15 in
 8 the forenoon, at the offices of Godfrey & Kahn, S.C.,
 9 Attorneys at Law, 780 North Water Street, the City of
 10 Milwaukee, County of Milwaukee, and State of
 11 Wisconsin, the following named person, to wit:
 12 JESUS "ZEUS" J. RODRIGUEZ, who was by me duly sworn
 13 to testify to the truth and nothing but the truth of
 14 his knowledge touching and concerning the matters in
 15 controversy in this cause; that he was thereupon
 16 carefully examined upon his oath and his examination
 17 reduced to typewriting with computer-aided
 18 transcription; that the deposition is a true record
 19 of the testimony given by the witness; and that
 20 reading and signing was not waived.
 21 I further certify that I am neither
 22 attorney or counsel for, nor related to or employed
 23 by any of the parties to the action in which this
 24 deposition is taken and further that I am not a
 25 relative or employee of any attorney or counsel

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1 employed by the parties hereto or financially
 2 interested in the action.
 3 In witness whereof I have hereunto set my
 4 hand and affixed my notarial seal this 16th day of
 5 January 2012.
 6
 7
 8 Notary Public, State of Wisconsin
 Registered Professional Reporter
 9 My commission expires
 April 21, 2013

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